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EXTRAORDINARY

PART II—Section 3

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MINISTRY OF LAW

NOTIFICATION

New Delhi, the 6th September, 1951

S.R.O. 1371.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, is pleased to make the following Rules, namely:—

THE REPRESENTATION OF THE PEOPLE (CONDUCT OF ELECTIONS AND ELECTION PETITIONS) RULES, 1951.

PART I

Preliminary

1. **Short title and commencement.**—(1) These rules may be called the Répresentation of the People (Conduct of Elections and Election Petitions) Rules, 1951.

(2) They shall come into force at once.

2. **Interpretation.**—(1) In these rules, unless the context otherwise requires,—

(a) “form” means a form in Schedule I and includes any translations thereof in any language specified in the Eighth Schedule to the Constitution;

(b) “Schedule” means a Schedule to these rules;

(c) “section” means a section of the Act;

(d) “serial number of an elector in an electoral roll” includes such particulars regarding the name or description of the electoral area in reference to which the said electoral roll has been prepared as will identify the entry relating to such elector in that electoral roll;

(e) “the Act” means the Representation of the People Act, 1951 (XLIII of 1951);

(f) “validly nominated candidate” means a candidate who has been duly nominated and has not withdrawn his candidature in the manner

and within the time specified in sub-section (1) of section 37 or in that sub-section read with sub-section (4) of section 39, as the case may be.

(2) For the purposes of the Act or these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the presiding officer or such other officer as may be specified in this behalf by the Election Commission and such officer on being satisfied as to his identity has attested the mark as being the mark of such person.

(3) References in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorised to perform under sub-section (2) of section 22.

(4) References in these rules to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-section (2) or sub-section (3), as the case may be, of section 26.

(5) Any requirement under these rules that a notification, order, declaration, notice or list issued or made by any authority shall be published in the Official Gazette shall, unless otherwise expressly provided in these rules, be construed as a requirement that the notification, order, declaration, notice or list shall be published in the *Gazette of India* if it relates to an election to, or membership of, either House of Parliament or to a primary election, and in the Official Gazette of the State if it relates to an election to, or membership of, the House or either House of the Legislature of a State.

(6) The General Clauses Act, 1897 (X of 1897) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

PART II

Conduct of Elections

CHAPTER I

GENERAL PROVISIONS

3. Public notice of intended election.—The public notice of the intended election referred to in section 31st or in sub-section (3) of section 39 shall be given in Form 1 and it shall, subject to any general or special directions issued in that behalf by the Election Commission, be published in such manner, in such language or languages and in such places as the Returning Officer thinks fit.

4. Form of nomination paper.—Every nomination paper delivered under sub-section (1) of section 33 or under that sub-section read with sub-section (4) of section 39 shall be completed in the form specified in Schedule II.

5. Declaration as to symbol to accompany nomination paper in certain cases.—
(1) The Election Commission shall, as soon as may be after the commencement of these rules, by notification in the Official Gazette, publish a list of symbols and may in like manner add to or vary such list.

(2) In constituencies other than Council constituencies, every nomination paper delivered under sub-section (1) of section 33 shall be also accompanied by a declaration in writing specifying the particular symbol which the candidate has chosen for his first preference out of the list of symbols for the time being in force under sub-rule (1) and also specifying two other symbols out of that list which he has chosen for his second and third preferences respectively:

Provided that the choice to be made by a candidate under this sub-rule shall be subject to such restrictions as the Election Commission may think fit to impose in that behalf.

6. Verification of certain declarations in the case of constituencies having reserved seats.—In a constituency where any seat is reserved for the Scheduled Castes or the Scheduled Tribes or for an autonomous district of Assam other than the constituency comprising the cantonment and municipality of Shillong, the declaration referred to in the first or the second proviso, as the case may be, to sub-section (3) of section 33 shall be verified by the candidate on oath or solemn affirmation before a magistrate:

Provided that no stamp duty shall be payable for such verification.

7. Issue of certain certificates by the Election Commission.—A certificate issued by the Election Commission under sub-section (3) of section 9 or under the third proviso to sub-section (3) of section 33 or under the said proviso read with sub-section (4) of section 39 shall be signed by the Secretary to the Election Commission and shall bear the official seal of the Election Commission.

8. Form of notice of nomination.—The notice of nomination to be affixed under section 35 or under that section read with sub-section (4) of section 39 shall be in Form 2.

9. Notice of withdrawal of candidature.—(1) A notice of withdrawal of candidature under sub-section (1) of section 37 or under that sub-section read with sub-section (4) of section 39 shall contain the particulars set out in Form 3. On receipt of such notice, the Returning Officer shall note thereon the date on which and the hour at which it was delivered.

(2) The notice of withdrawal to be affixed under sub-section (3) of section 37 or under that sub-section read with sub-section (4) of section 39 shall be in Form 4.

10. Preparation and publication of the list of valid nominations.—(1) If in any constituency other than a Council constituency the number of validly nominated candidates exceeds the number of seats to be filled, the Returning Officer shall, before preparing a list of valid nominations under section 38, consider the choice as respects symbols expressed by the candidates in the declarations referred to in sub-rule (2) of rule 5 delivered by them along with their nomination papers, and shall, subject to any general or special directions issued in this behalf by the Election Commission, assign a different symbol to each candidate in conformity as far as practicable with his choice. If more candidates than one indicate their preferences for the same symbol, the Returning Officer shall decide by lot to which of those candidates the symbol will be assigned. The decision of the Returning Officer in assigning any symbol to a candidate under this sub-rule shall be final.

(2) The list of valid nominations referred to in section 38 or in that section read with sub-section (4) of section 39 shall be prepared in such language or languages as the Election Commission may direct and shall contain the names in alphabetical order and addresses of the validly nominated candidates as given in the nomination papers. The alphabetical order shall be determined with reference to the surnames of candidates having surnames and the names proper of other candidates, and if the list is prepared in more than one language the names of candidates therein shall be arranged in alphabetical order according to the script of such one of those languages as the Election Commission may direct. In the case of an election in a constituency to which the provisions of sub-rule (1) apply, the list shall indicate the symbol assigned to each candidate and in the case of an election in a constituency where the seats to be filled include one or more seats reserved for the Scheduled Castes or the Scheduled Tribes, the list shall also indicate the names of candidates belonging to the Scheduled Castes or the Scheduled Tribes by means of suitable distinguishing marks.

(3) Every such list of valid nominations shall be prepared in Form 5 and the Returning Officer shall immediately after its preparation cause a copy of the list so prepared to be affixed in some conspicuous place in his office.

(4) In every case where a symbol has been assigned to a candidate under sub-rule (1), such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Returning Officer.

11. Publication of the list of validly nominated candidates in the case of an election at which a poll is to be taken.—If at an election the number of validly nominated candidates exceeds the number of seats to be filled, the Returning Officer shall publish in the Official Gazette and in such other manner as the Election Commission may direct the list of validly nominated candidates at such election in Form 5 together with all the particulars regarding such candidates mentioned in that form. In the case of an election at which the method of voting by ballot boxes shall be followed, the list to be published under this rule shall specify the date or dates and the hours of polling at such election.

12. Appointment of polling agents.—(1) At an election at which a poll is to be taken and the method of voting by ballot boxes is to be followed, each validly nominated candidate, or his election agent, may at least three days before the commencement of the poll appoint under section 46 one agent and two relief agents to act as polling agents of such candidate at each polling station, or where a polling station has more than one polling booth, at each such polling booth, or at the place fixed under sub-section (1) of section 29 for the poll, as the case may be; and such appointment shall be made by a letter in writing in duplicate in Form 6 signed by the candidate or his election agent.

(2) As soon as may be after the appointment of each polling agent of a candidate, and in any case at least three days before the commencement of the poll, the candidate or his election agent shall give notice of the appointment to the Returning Officer by forwarding to such officer the letter of appointment referred to in sub-rule (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the polling agent who shall on the date fixed for the poll present the copy to, and sign the declaration contained therein before, the presiding officer of the polling station or the Returning Officer presiding over the place fixed under sub-section (1) of section 29 for the poll, where such polling agent is appointed for duty, and the presiding officer or the Returning Officer, as the case may be, shall thereafter retain it in his custody, and no polling agent shall be allowed to perform any duty at the polling station or at the place fixed for the poll unless he has complied with the provisions of this sub-rule.

13. Appointment of counting agent.—(1) Each such candidate as is mentioned in sub-rule (1) of rule 12 or his election agent may before the commencement of the counting of votes appoint under section 47 a counting agent of such candidate by a letter in writing in duplicate in Form 6 signed by the candidate or his election agent.

(2) As soon as may be after the appointment of the counting agent of a candidate, and in any case before the commencement of the counting of votes, the candidate or his election agent shall give notice of the appointment of such counting agent to the Returning Officer by forwarding to such officer the letter of appointment referred to in sub-rule (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes, present the copy to, and sign the declaration contained therein before, the Returning Officer and the Returning Officer shall thereafter

retain it in his custody, and no counting agent shall be allowed to perform any duty at the counting of votes unless he has complied with the provisions of this sub-rule.

14. Revocation of the appointment or death of a polling agent.—(1) The revocation of the appointment of a polling agent under sub-section (1) of section 48 shall—

- (a) in the case where the appointment is revoked not less than seven days before the commencement of the poll, be lodged with the Returning Officer, and
- (b) in any other case, be lodged with the presiding officer of the polling station or the Returning Officer presiding over the place fixed under sub-section (1) of section 29 for the poll, where such polling agent was appointed for duty.

(2) If the polling agent of a candidate dies before the close of the poll, the candidate or his election agent shall forthwith report in writing the fact of such death—

- (a) in the case where the death takes place not less than seven days before the commencement of the poll, to the Returning Officer, and
- (b) in any other case, to the presiding officer of the polling station or the Returning Officer presiding over the place fixed under sub-section (1) of section 29 for the poll, where such polling agent was appointed for duty.

(3) The Returning Officer for a constituency shall, on receipt of any revocation of the appointment, or the report of the death, of a polling agent under sub-rule (1) or sub-rule (2), communicate the fact forthwith to the presiding officer of the polling station where such polling agent was appointed for duty.

(4) In the event of such revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may at any time before the poll is closed make a fresh appointment under sub-section (1) of section 48 of another polling agent by a letter in writing in Form 6 and shall forthwith give notice of such appointment—

- (a) in the case where such appointment is made not less than seven days before the commencement of the poll, to the Returning Officer, and
- (b) in any other case, to the presiding officer of the polling station or the Returning Officer presiding over the place fixed under sub-section (1) of section 29 for the poll, where the new polling agent is appointed for duty.

by forwarding the letter of appointment of the new polling agent to such Returning Officer or presiding officer, as the case may be, and the provisions of sub-rule (3) of rule 12 shall apply in relation to a polling agent appointed under this sub-rule as they apply in relation to a polling agent appointed under sub-rule (1) of that rule.

15. Revocation of the appointment or death of the counting agent.—(1) If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report in writing the fact of such death to the Returning Officer.

(2) In the event of a revocation of the appointment or of the death of the counting agent of a candidate, the candidate or his election agent may make a fresh appointment under sub-section (2) of section 48 of another counting agent by a letter in writing in Form 6 and shall forthwith give notice of such appointment to the Returning Officer by forwarding the letter of appointment of the

new counting agent to such Officer and the provisions of sub-rule (3) of rule 13 shall apply in relation to a counting agent appointed under this sub-rule as they apply in relation to a counting agent appointed under sub-rule (1) of that rule.

16. Publication of the hours fixed for polling.—The hours fixed for polling under section 56 shall be published by notification in the Official Gazette and in such other manner as the Election Commission may direct.

CHAPTER II

Voting at elections in constituencies other than Council constituencies

17. Admission to polling stations.—(1) The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station or a polling booth and shall exclude therefrom all other persons except—

- (a) the polling officers;
- (b) each candidate, his election agent, and one polling agent of each candidate;
- (c) the police officers and other public servants on duty;
- (d) the companions of blind or infirm electors who cannot move without help, and
- (e) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors or otherwise assisting him in taking the poll.

(2) The presiding officer shall close the polling station at the hour fixed in that behalf under section 56 and shall not admit thereto any elector after that hour:

Provided that all electors present within the polling station before it is so closed shall be entitled to have their votes recorded.

(3) If any question arises as to whether any elector shall, for the purpose of the proviso to sub-rule (2), be deemed to be present within the polling station before it is closed, the question shall be referred for the decision of the presiding officer of such polling station and his decision shall be final.

18. Arrangements for secrecy of voting and special facilities for women electors at polling stations.—(1) Each polling station and, where a polling station has more than one polling booth, each such polling booth shall be furnished with a compartment (referred to in these rules as a "polling compartment") in which electors can, one after another, cast their votes screened from observation, and no elector shall be allowed to enter such polling compartment when another elector is inside the same for the purpose of recording his vote.

(2) Each polling station shall contain one or such larger number of polling booths as the Returning Officer may fix and each such polling booth shall be set apart for the recording of votes of electors for a separate polling area or of votes of electors specifically allotted to such booth:

Provided that the Returning Officer may direct—

- (a) that a polling booth with separate entrance and exit shall be provided for the taking of votes of women electors of any specified polling area and a different polling booth in the same polling station shall be provided for the men electors of that area; or
- (b) that men and women electors shall, for the purpose of recording their votes, be admitted into the polling station or into any polling booth in such station alternately in separate batches.

(3) The Returning Officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors and, in particular, to help in searching any woman elector in case it becomes so necessary.

(4) For the purpose of identification of a woman elector, her husband or any other near relative may be permitted by the presiding officer at his discretion to accompany her inside the polling station, but such person shall not be permitted to accompany her inside the polling compartment.

19. Provision of ballot boxes with symbols of candidates and of other articles at the polling station.—(1) The Returning Officer shall provide at each polling station or, where a polling station has more than one polling booth, at each such polling booth, one ballot box for each one of the candidates and all such ballot boxes shall be so placed in the polling compartment that when an elector inserts a ballot paper in any box no other person can see how he has voted.

(2) The symbol assigned to each candidate under sub-rule (1) of rule 10 shall be printed on labels which shall be pasted both inside and outside a ballot box and such ballot box shall then be deemed to have been allotted to that candidate. Each ballot box or any of its component parts or attachments, shall also be marked with such other distinguishing mark or marks as the Chief Electoral Officer may, in accordance with the general or special instructions issued in that behalf by the Election Commission, direct.

(3) Outside and inside each polling station there shall be displayed prominently—

- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station or, where the polling station has more than one polling booth, at each one of such booths, or the description of the electors allotted to any such booth, and
- (b) another notice giving the name of each candidate in the same language or languages and in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11 together with the description of the symbol which has been assigned to each such candidate under sub-rule (1) of rule 10.

(4) The Returning Officer shall also provide at each polling station a sufficient number of ballot papers and copies of the electoral rolls in respect of the polling area or areas the electors of which are entitled to vote at such polling station as well as such other equipments and accessories as may be required for taking the poll at such polling station.

20. Official mark on ballot papers.—(1) The Election Commission may direct that before any ballot paper is delivered to an elector at a polling station it shall be marked with such official mark as may be specified by the Election Commission in this behalf, and the official mark so specified shall be kept secret.

(2) When any such direction has been issued by the Election Commission, the Returning Officer shall provide at the polling station concerned instruments for stamping the official mark on the ballot papers.

21. Ballot boxes to be locked and sealed before the commencement of poll.—(1) Every ballot box shall be of such design and colour as have been previously approved of by the Election Commission. It shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

(2) The presiding officer at each polling station shall immediately before the commencement of the poll allow inspection of each ballot box to be used at the poll to the candidates, their election agents and their polling agents who may

be present at such station, and demonstrate to them and to all other persons present that it is empty and that labels have been affixed both inside and outside the box and the distinguishing mark or marks have been made in the box or in any of its component parts or attachments in accordance with the provisions of sub-rule (2) of rule 19.

(3) Where it is necessary to use a paper seal for securing the ballot box, the presiding officer shall thereafter fix in the space meant therefor in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal and obtain thereon the signatures or seals of such candidates or of such election or polling agents of the candidates as may be present and may desire to affix such signatures or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open.

(4) Where it is not necessary to use a paper seal for securing a ballot box, the presiding officer shall, after complying with the provisions of sub-rule (2) secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents who may be present to affix their own seals on the space in the box meant therefor, if they so desire.

(5) The paper seal or the other seals used in a ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such paper seal or other seals or any thread on which the other seals have been affixed. After all the ballot boxes required to be used at the polling have been secured and sealed, they shall be placed in the polling compartment side by side in the same order in which the names of the candidates to whom such boxes have been allotted appear in the list of validly nominated candidates at the election published under rule 11 and in such manner that the front vertical side of each of the boxes bears a symbol assigned to the candidate to whom such box has been allotted and faces the elector as he enters. The candidates and their election or polling agents shall be entitled to see before the commencement of the poll that the boxes are so placed in the polling compartment. No other receptacle or box besides the ballot boxes allotted to the candidates shall be kept inside the polling compartment during polling.

22. Special procedure for preventing personation of electors.—(1) Subject to the other provisions of this rule, every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station shall, before receiving such paper or papers, allow—

(a) the inspection of his left fore-finger to the presiding officer or any polling officer; and

(b) an indelible ink mark to be put on his left fore-finger.

(2) If any such elector—

(a) refuses to allow such inspection of his left fore-finger, or

(b) refuses to allow an indelible ink mark to be put on his left fore-finger, or

(c) persists in doing any act with a view to remove such mark after it has been put,

he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) Except as provided in sub-rule (4), no person who has already such a mark on his left fore-finger at the time he enters the polling station shall be supplied with any ballot paper, and if any such person applies for a ballot paper or ballot papers he shall be liable to be arrested and prosecuted for personation.

(4) Where elections in a Parliamentary constituency and in an Assembly constituency or a Council of States constituency are being held simultaneously at a polling station, an elector whose left fore-finger has been marked with indelible ink at that polling station preliminary to his receiving the ballot paper or papers for one such election shall not be required to have his left fore-finger marked again with such ink before receiving the ballot paper or papers for the other election, and the presence of the mark made for the purpose of one of such elections shall not disentitle him from receiving the ballot paper or papers for the other election.

(5) Any reference in this rule or in rule 23 to the left fore-finger of an elector shall, in the case where the elector has his left fore-finger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the fore-finger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

23. Procedure before recording of votes.—(1) The elector on entering the polling station shall first allow his left fore-finger to be inspected by a polling officer for the purpose of ascertaining if he already has any mark of indelible ink on that finger. If there is no such mark, the polling officer in charge of the electoral roll shall ascertain the elector's name and address and such other particulars as appear on the roll and, after having checked these by reference to the roll, shall call out the number, name and description of the elector according to the entry in the roll.

(2) On the elector's name being called out the elector shall approach the polling officer in charge of the ballot papers who shall then cause the left fore-finger of the elector to be marked with indelible ink and shall thereafter deliver a ballot paper or the requisite number of ballot papers to the elector. Before delivering the ballot paper or papers the polling officer shall, where a direction has been issued in this behalf under rule 20, stamp the ballot paper or papers with such official mark as may have been specified under that rule. Such polling officer shall at the time of delivery of the ballot paper or papers place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot paper or papers and shall also keep a record of the serial number or numbers of the ballot paper or papers supplied to the elector in such manner as the Returning Officer may, subject to any general or special instructions issued in that behalf by the Election Commission, direct.

(3) In deciding the right of a person to obtain a ballot paper under this rule, the presiding officer at any polling station may interpret an entry in the electoral roll so as to overlook merely clerical or printing errors, provided that he is satisfied that such person is identical with the elector to whom such entry relates.

24. Identification of electors.—The presiding officer may employ at the polling station such persons as he thinks fit to assist him or any polling officer in identifying the electors.

25. Manner of recording of votes after the receipt of ballot papers.—(1) On receiving the ballot paper or papers the elector shall forthwith proceed into the polling compartment and shall without undue delay put his ballot paper or papers through the slit provided for the purpose into the ballot box or boxes of the candidate or candidates for whom he desires to vote:

Provided that not more than one ballot paper shall be put by an elector into one ballot box.

(2) Every elector shall vote without undue delay and shall quit the polling station as soon as he has cast his vote. No elector shall remain in a polling compartment longer than is reasonably necessary for casting his vote.

(3) The presiding officer may, whenever there is in his opinion sufficient cause, enter the polling compartment while a poll is proceeding and may take such steps as may be necessary to ensure that the ballot boxes in use remain ready for the reception of ballot papers and are not tampered or interfered with in any way by any elector or any other person. If the presiding officer has reason to suspect that any elector who has entered a polling compartment is tampering or otherwise interfering with any ballot box or if such elector has remained inside the polling compartment for an unduly long period, the presiding officer shall enter such polling compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

26. Recording of votes of Infirm electors.—If owing to blindness or other infirmity an elector is unable to read the symbol on a ballot box or is physically incapable of putting the ballot paper into a ballot box, the presiding officer shall enter the polling compartment with such elector, ascertain from the elector the candidate or candidates in whose favour he desires to vote and shall put the ballot paper or papers in the ballot box or boxes of such candidate or candidates in accordance with the wishes of such elector. The presiding officer shall have this done with as much secrecy as is feasible and shall keep a brief record of each such instance without indicating the manner in which the votes have been cast.

27. Elector to be questioned in case of doubt as to his identity.—At any time before a ballot paper is delivered to an elector, the presiding officer or a polling officer may of his own motion, if he has reasons to doubt the identity of the elector or his right to vote at such election, and shall, if so required by a candidate or polling agent, put to the elector the following questions:—

- (1) Are you the person enrolled as follows: (Reading the whole entry from the roll)?
- (2) Have you already voted at the present election in this constituency?
- (3) (At a general election in a Parliamentary constituency). Have you already voted at this general election in any other Parliamentary constituency?
- (4) (At a general election in an Assembly constituency). Have you already voted at this general election in any other Assembly constituency?
- (5) (At a general election in a Council of States constituency). Have you already voted at this general election in any other Council of States constituency?

And the elector shall not be supplied with a ballot paper if he refuses to answer any of these questions and unless he answers the first question in the affirmative, the second question in the negative and, at a general election, the third, the fourth or the fifth question, as the case may be, also in the negative.

28. Ballot paper and its contents.—The ballot paper to be used for the purpose of voting at an election to which this Chapter applies shall contain a serial number and such distinguishing marks as the Election Commission may decide.

29. Tendered votes.—(1) If a person representing himself to be a particular elector named in the electoral roll applies for a ballot paper or papers after another person has already voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to receive a ballot paper (referred to in this Chapter and in Chapter III of this Part as a "tendered ballot paper") in the same manner as any other elector.

(2) A tendered ballot paper shall be in Form 7 and shall, instead of being put into the ballot box, be handed over by such person to the presiding officer who shall thereupon take such person inside the polling compartment and shall in the

presence of such person endorse it with the name or names of the candidate or candidates for whom such person desires to vote and also with the name of the elector, his serial number in the electoral roll and the name of the electoral area to which the roll relates. The presiding officer shall then place the ballot paper in a separate packet set apart for the purpose. At the end of the poll the packet containing all such tendered ballot papers shall be sealed. Such votes shall not be counted by the Returning Officer.

(3) The name of the constituency, the name of the elector, his serial number in the electoral roll and the name of the polling station to which the roll relates shall be entered in a list in Form 8 which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name or affix his thumb impression against the entry relating to him in that list.

30. Challenged Votes.—(1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a ballot paper and claiming to be a particular voter has committed the offence of personation, the presiding officer shall require such person to enter in the list of Challenged Votes (which shall be in Form 9) his name and address or, if he is unable to write, to affix his thumb impression thereto, and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the presiding officer under this sub-rule unless a sum of ten rupees has been deposited in cash with the presiding officer by the candidate or such agent for each challenge he makes.

(2) If the person so challenged refuses to comply with such requisition, he shall not be permitted to vote. But if such person does so comply and on being questioned in the manner provided in rule 27 gives unqualified answer to the first question in the affirmative and to the other questions in the negative, he shall be allowed to vote after he has been warned of the penalty for personation.

(3) If the presiding officer after such inquiry on the spot as he thinks is necessary is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The presiding officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of Challenged Votes.

31. Return of ballot papers by an elector.—(1) If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the presiding officer, and the ballot paper so returned shall then be marked as "cancelled—returned" and kept in a separate envelope set apart for the purpose and a record shall be kept by the presiding officer of all such ballot papers.

(2) If any ballot paper which has been issued to any elector for the purpose of recording his vote has not been put into the ballot box but has been left by the elector at the polling station it shall be dealt with in accordance with the provisions of sub-rule (1) as if it had been returned to the presiding officer.

32. Delivery of ballot boxes to the Returning Officer after the close of the poll.—The presiding officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of any candidates or their election or polling agents who may be present, close the slit for insertion of ballot papers of each ballot box or, where the box does not contain any mechanical device for closing

the slit, seal up the slit, and seal and secure all the ballot boxes used at the polling station. He shall also make up into separate packets:—

- (1) the unused ballot papers;
- (2) the tendered ballot papers;
- (3) the returned ballot papers;
- (4) the marked copy of the electoral roll;
- (5) the tendered votes list;
- (6) the list of challenged votes; and
- (7) any other paper directed by the Returning Officer to be kept in a sealed packet,

and shall seal each such packet with his own seal and the seals of such candidates or election or polling agents as may desire to affix their seals theron. He shall then as soon as may be deliver the ballot boxes and all such packets and all other papers used at the poll or cause them to be delivered to the Returning Officer.

33. Account of ballot papers to be prepared by the presiding officer after the close of the poll.—The packets referred to in rule 32 shall be accompanied by an account of ballot papers in Form 10 made by the presiding officer showing the total number of ballot papers entrusted to him for the polling station or for each polling booth thereof and the number of ballot papers returned by him to the Returning Officer as unused, tendered, and returned ballot papers as also the number of ballot papers which should be found in the ballot boxes.

34. Transport of ballot boxes and packets and their custody.—The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in rule 32 and for their safe custody until the commencement of the counting of votes.

35. Special procedure for voting by certain classes of persons.—At an election in a constituency where a poll is taken, any such person as is referred to in clause (a) of section 60 may, if such person has been registered in the electoral roll for that constituency on the basis of the statement submitted by such person or by the husband of such person under rule 5 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, give his vote at such election by postal ballot, and such a person shall not be entitled to give his vote in any other manner.

36. Voting by persons subjected to preventive detention.—(1) Subject to the other provisions of this rule, an elector for a constituency may, if he is subjected to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such constituency where a poll is taken and such an elector shall not, so long as he is subjected to such detention, be entitled to give his vote in any other manner.

(2) As soon as possible after a notification calling upon a constituency to elect a member or members has been issued under the Act, the Central Government or the State Government or the Chief Commissioner of a Part C State concerned shall ascertain if any elector for that constituency is subjected to preventive detention under any law for the time being in force and shall, within fifteen days from the date of publication of such notification, forward to the Returning Officer the names of any such electors in that constituency who are under such detention together with their addresses and serial numbers in the electoral roll and the particulars about their places of detention.

(3) Any elector for a constituency who is subjected to preventive detention under any law for the time being in force may, within fifteen days from the date of publication of a notification under the Act calling upon that constituency to elect a member or members, apply to the Returning Officer of the constituency for permission to give his vote by postal ballot at such election. Every such application shall specify the name of the elector, his address, his serial number in the electoral roll and the particulars regarding his place of detention.

(4) If the Returning Officer is satisfied that the person whose name has been forwarded under sub-rule (2) or who has made an application under sub-rule (3) is under preventive detention and is an elector for the constituency to which the election relates and is entitled to vote at such election, he shall permit such person to give his vote at the election by postal ballot.

(5) While granting any such permission the Returning Officer shall at the same time cause suitable notes to be recorded in each copy of the electoral roll in which such person is registered and which is intended to be used at the polling station where such person would, if he had not been under detention, have normally voted so as to indicate that such person has been permitted to give his vote at the election by postal ballot.

37. Voting by persons employed on duty at polling stations.—(1) A presiding officer, polling officer, polling agent or public servant who is an elector for any constituency and is, by reason of his being on duty at a polling station, unable to be present and to vote at the polling station where he is entitled to vote, may apply to the Returning Officer of the constituency for which he is an elector at least seven days before the date or the first of the dates fixed for the poll at that constituency for permission to vote at the election by postal ballot. Every such application shall specify the name of the elector, his address and his serial number in the electoral roll.

(2) If such Returning Officer is satisfied that the claim is just and that the applicant is entitled to vote in the constituency, he shall allow the application and permit the applicant to give his vote at the election by postal ballot and thereupon the applicant may give his vote at such election by postal ballot and shall not be entitled to give his vote thereat in any other manner.

(3) While allowing such an application the Returning Officer shall at the same time cause suitable notes to be recorded in each copy of the electoral roll in which the applicant is registered and which is intended to be used at the polling station where the applicant would otherwise have normally voted so as to indicate that the applicant has been permitted to give his vote at the election by postal ballot.

38. Returning Officer to send ballot papers for postal voting.—(1) The Returning Officer shall, in the case of every elector who is authorised under rule 35 or has been permitted under sub-rule (4) of rule 36 to give his vote at the election by postal ballot, as soon as may be after the publication under rule 11 of the list of validly nominated candidates at the election, and in the case of every elector who has been permitted under sub-rule (2) of rule 37 to give his vote at the election by postal ballot, as soon as may be after such permission has been granted, send by registered post to each such elector a ballot paper in Form 11 (referred to in this Chapter and in Chapter III of this Part as a "postal ballot paper") and shall enter on the counterfoil of each such ballot paper the name of the elector to whom the ballot paper is sent and his serial number on the electoral roll. The particulars in the ballot paper shall be printed in the language or languages in which the electoral roll for the constituency to which the election relates has been printed, and the names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

(2) Along with the ballot paper the Returning Officer shall also send—

- (a) a cover addressed to himself in Form 12,
- (b) an envelope with the number of the ballot paper entered on its face, and
- (c) a letter in Form 13.

The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the cover in Form 12.

(3) The ballot paper together with the cover, envelope and letter shall be sent—

- (a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, to the address of the elector as shown in the electoral roll or to such elector under the care of such officer of the said Forces as the Election Commission may designate;
- (b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60, or the wife of any such person, to such elector at the place where the elector or her husband, as the case may be, is holding such office;
- (c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of any such person, to such elector under the care of the diplomatic or consular representative of India in the country in which such elector is resident;
- (d) in the case where the elector is a person subjected to preventive detention, to such elector at the place of his detention; and
- (e) in the case where the elector is a person who has been permitted under sub-rule (2) of rule 37 to give his vote by postal ballot, to such elector at the address given in the application made by him under sub-rule (1) of that rule.

(4) The Officer of the Armed Forces or the diplomatic or consular representative of India under whose care a ballot paper is sent to an elector under clause (a) or clause (c) of sub-rule (3) shall ensure that the ballot paper is delivered to such elector without delay.

(5) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in a packet the counterfoils of all such ballot papers and record on such packet the description of its contents and the name of the constituency and the date of the election to which it refers.

(6) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

39. Ballot papers to be returned after recording votes thereon.—(1) Every elector on receiving his ballot paper sent under rule 38, if he desires to vote at the election, shall record his vote thereon and sign the declaration on its back in accordance with the instructions on the ballot paper and in the letter sent with the ballot paper.

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him before 5 P.M. on the date fixed in this behalf by the Returning Officer. Any cover which is not received by the Returning Officer before 5 P.M. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer.

40. Attestation of elector's signature on the ballot paper.—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper—

- (a) in the case referred to in clause (a) of sub-rule (3) of rule 38, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;
- (b) in the case referred to in clause (b) of that sub-rule, by an officer not below the rank of a Deputy Secretary to Government;

- (c) in the case referred to in clause (c) of that sub-rule, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;
- (d) in the case referred to in clause (d) of that sub-rule, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, or by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified; and
- (e) in the case referred to in clause (e) of that sub-rule, by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified.

41. Attesting officer to assist infirm or illiterate electors.—(1) If an elector to whom a ballot paper has been sent under rule 38 is illiterate or is unable through physical incapacity to record his vote and sign the declaration on the back of the ballot paper in accordance with the provisions of rule 39, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his signature and declaration under rule 40.

(2) Any such elector as aforesaid may deliver the ballot paper, together with the envelope and the cover received by him from the Returning Officer to an officer referred to in sub-rule (1) and such officer shall on being so requested by the elector certify on the back of the ballot paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration on the back of the ballot paper and to mark the ballot paper for him and that he has put the mark or marks on the ballot paper in accordance with the wishes of the elector and that the ballot paper was so signed and marked by him in the presence of the elector.

(3) Such officer shall thereupon place the marked ballot paper in the envelope and close the same and enclose it in the cover which he shall seal and hand over to the elector. The elector shall then send the sealed cover forthwith to the Returning Officer in accordance with the instructions contained in the letter sent to the elector along with the ballot paper so as to reach the Returning Officer before 5 P.M. on the date referred to in sub-rule (2) of rule 39. Any cover which is not received by the Returning Officer before 5 P.M. on such date shall be rejected and kept along with the covers rejected under the said sub-rule.

42. Issue of undelivered and fresh ballot papers.—(1) When a ballot paper and other connected papers sent by post under rule 38 are for any reason returned undelivered, the Returning Officer may re-issue them by registered post or, in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60 or is the wife of any such person or is a person who has been permitted under sub-rule (2) of rule 37 to give his vote by postal ballot, deliver them or cause them to be delivered to the elector personally on his applying for the same.

(2) In cases where any elector has inadvertently dealt with his ballot paper or any of the connected papers in such a manner that the papers cannot conveniently be used, a second set of ballot and other connected papers may be issued to the elector on the elector returning the ballot paper and other connected papers to the Returning Officer and satisfying him of the inadvertence. The papers so returned to the Returning Officer together with the counterfoil of the ballot paper so returned shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counterfoil of the ballot paper shall be kept in a separate envelope set apart for the purpose.

43. Safe custody of covers containing postal ballot papers received by the Returning Officer.—The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under rule 39 or rule 41.

CHAPTER III

Counting of votes at elections in constituencies other than Council constituencies

44. Appointment of time, place and date for the counting of votes.—(1) At an election in a constituency (other than a Council constituency), where a poll is taken, the Returning Officer shall appoint a date (which shall be as soon as practicable after the completion of the poll throughout the constituency) for the counting of votes, and shall fix the place and time at which the votes shall be counted on the date so appointed.

(2) The Returning Officer shall give notice of such date, time and place in writing to all candidates and their counting agents.

(3) If, at the time so appointed for the counting of votes, all the ballot boxes used at the poll have not been received by the Returning Officer, or if from any other unavoidable cause he is unable to proceed with the counting of votes at the time and date appointed under sub-rule (1), the Returning Officer may postpone the counting to another date and time, and may fix, if necessary, another place for the counting of votes on the date to which the counting has been so postponed, and shall give notice thereof in writing to the candidates and their counting agents.

45. Persons who may be present at the counting of votes.—(1) The Returning Officer shall not allow any person to be present at the counting of votes except such persons as he may appoint to assist him in counting the votes and such other persons as have a right to be present under section 64.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed to assist the Returning Officer in counting the votes.

46. Procedure to be followed at the counting of votes.—(1) On the date and at the time and place appointed under rule 44, the Returning Officer shall, before he commences to count the votes, read the provisions of section 128 to such persons as may be present. He shall then with respect to ballot boxes used at the poll proceed as follows:—

- (i) All the ballot boxes placed for the counting of votes shall be counted and checked and the Returning Officer shall satisfy himself that all the ballot boxes used at the poll have been received and accounted for.
- (ii) All the ballot boxes allotted to each particular candidate shall be separated from those allotted to any other candidate and placed together.
- (iii) The Returning Officer shall then allow the candidates and their election agents and counting agents present at the counting an opportunity to inspect the ballot boxes and their seals for satisfying themselves that they are in order.
- (iv) The Returning Officer shall also satisfy himself that none of the boxes has in fact been tampered with. If any ballot box is found by the Returning Officer to have been tampered with or destroyed or lost, the Returning Officer shall postpone the counting of votes and shall follow the procedure laid down in section 58 and shall, after the fresh poll under that section has been completed, recommence the counting on the date and at the time and place appointed by him in this behalf of which notice has been previously given to the candidates and their counting agents.

(v) If the Returning Officer is satisfied that all the ballot boxes used at the poll have been received and are in order, he shall take up the counting of ballot papers contained in the ballot boxes. The counting of all the ballot papers contained in the ballot boxes allotted to the same candidate shall be completed before the counting of the ballot papers contained in the boxes allotted to any other candidate is commenced. As amongst the candidates, the counting of votes shall proceed in the order in which their names occur in the list of validly nominated candidates published under rule 11 in respect of the election.

(vi) One ballot box shall be opened at a time and the mark or marks made in the box or in any of its component parts or attachments and the label containing the symbol affixed inside the box shall be checked. Thereafter the ballot papers shall be taken out from the box and arranged in convenient bundles and counted with the aid of persons appointed to assist in the counting of votes. The same procedure shall then be followed in respect of the other ballot boxes and the ballot papers contained therein. An account of the ballot papers found in each box allotted to each candidate shall be recorded in a statement in Form 14.

(vii) The Returning Officer shall allow the candidates and their election agents and counting agents who may be present reasonable opportunity to inspect all ballot papers, which in the opinion of the Returning Officer are liable to be rejected but shall not allow them to handle those or any other ballot papers. The Returning Officer shall on every ballot paper which is rejected, endorse the word "rejected". If any candidate or his election or counting agent questions the correctness of the rejection of any ballot paper, the Returning Officer shall also record briefly on such ballot paper the grounds for its rejection. A brief record shall be kept in Form 15 of the serial numbers of all ballot papers rejected and of such particulars as will identify the ballot box in which each such ballot paper was found.

(viii) After the counting of all ballot papers contained in each ballot box has been completed by the Returning Officer and an account of such ballot papers has been recorded in Form 14, the Returning Officer shall cause all such ballot papers to be kept in a separate cover on which shall be indicated such particulars as will identify the ballot box in which such ballot papers were found, the name of the candidate to whom such ballot box was allotted, and the name of the polling station and the number of the polling booth, if any, where such ballot box was used.

(ix) After the counting of ballot papers contained in all the ballot boxes has been completed, the Returning Officer shall cause all the covers containing the ballot papers in support of each candidate to be placed in a separate packet and shall seal up all such packets and shall write on each such packet the name of the candidate in support of whom the ballot papers contained in such packet were cast and the name of the constituency and the date of the election to which it refers. He shall also cause all ballot papers found in the ballot boxes of each candidate but rejected by him to be kept in a separate sealed packet.

After completing the counting of ballot papers contained in all the ballot boxes, the Returning Officer shall with respect to all postal ballot papers received by him under rule 39 or rule 41 before 5 P.M. on the date referred to in sub-rule (2) of rule 39 proceed as follows:—

(a) The Returning Officer shall open or cause to be opened all the covers and envelopes containing the postal ballot papers so received by him.

and collect the ballot papers contained therein and after scrutiny separate or cause to be separated the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection.

- (b) The Returning Officer shall then count or cause to be counted the valid votes given to each candidate and shall record in the statement in Form 14 the total number of votes so given to each candidate.
- (c) The Returning Officer shall then seal up in separate packets the valid and the rejected ballot papers and write on each such packet the description of its contents and the name of the constituency and the date of the election to which it refers.

(2) The Returning Officer shall as far as practicable proceed continuously with the counting of the votes and shall during any intervals when the counting has to be suspended, keep the ballot papers, packets and other documents relating to the election sealed with his own seal and the seals of such candidates or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

(3) After the counting of ballot papers contained in all the ballot boxes and of the votes recorded on postal ballot papers has been completed, the Returning Officer shall record in the statement in Form 14 the total number of votes polled by each candidate.

47. Grounds for rejection of ballot papers.—(1) A ballot paper contained in a ballot box shall be rejected if—

- (a) it bears any mark or writing by which the elector can be identified;
- (b) in the case where a direction has been issued under rule 20 that the ballot paper shall contain an official mark, it does not contain the official mark;
- (c) if it bears any serial number or mark different from the serial numbers or marks of ballot papers authorised for use at the polling station or the polling booth at which the ballot box in which it was found was used;
- (d) the Returning Officer is satisfied that it is a spurious ballot paper or that it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

(2) If the Returning Officer is satisfied that an elector has put into the same ballot box more than one ballot paper in contravention of the provisions of sub-section (1) of section 63 and of rule 25, he shall reject all but one of such ballot papers at the time of counting the ballot papers contained in that box.

(3) A postal ballot paper which is not duly marked or on which more than one mark is placed against any candidate's name or on which votes are given to more candidates than there are members to be elected, or on which a mark is placed in such a manner as to make it doubtful to which candidate it has been given or on which the signature of the elector is not duly attested shall be invalid.

Provided that in the case of a plural member constituency where more than one vote can be given on the same ballot paper, if any vote is given by a mark which has not been duly made or by placing more than one mark against any candidate's name or if any of the marks is so placed as to render it doubtful to which candidate it has been given, only the vote concerned, but not the whole ballot paper, shall be invalid on that account.

(4) The decision of the Returning Officer as to the validity of a ballot paper contained in a ballot box or of a postal ballot paper or of a vote given on a postal ballot paper shall be final subject to any decision to the contrary given by a Tribunal on the trial of an election petition calling in question the election.

48. Declaration of candidates elected.—When the counting of votes recorded in favour of each candidate both in ballot papers contained in the ballot boxes and in postal ballot papers has been completed, the Returning Officer shall, subject to the provisions of section 65 and in the case of an election in a constituency where the seats to be filled include one or more seats reserved for the Scheduled Castes or for the Scheduled Tribes, subject also to the provisions of sub-section (4) of section 54, forthwith declare the candidate or candidates to whom the largest number of valid votes has been given, to be elected:

Provided that upon the application of any candidate or his election or counting agent in that behalf, a total or partial recount shall be made before the Returning Officer makes the declaration, but the Returning Officer may reject any such application as may appear to him to be frivolous or unreasonable recording at the same time the grounds for such rejection.

49. Verification of accounts submitted by the presiding officers.—The Returning Officer shall not open the sealed packets of the "tendered votes" or the marked copy of the electoral roll. He shall verify the accounts submitted by the presiding officers under rule 33 by comparing them with the statement prepared under clause (vi) of sub-rule (1) of rule 46 and with the number of the valid and the rejected ballot papers, the unused ballot papers in his possession and the tendered votes list, and shall then reclose and reseal each packet which has been opened by him and shall record on each packet the description of its contents and the name of the constituency and the date of the election to which it refers.

50. Return by the Returning Officer.—The Returning Officer shall then prepare and certify a return in Form 16 setting forth:—

- (1) the names of the candidates for whom valid votes have been given,
- (2) the number of valid votes given for each candidate,
- (3) the number of votes declared invalid,
- (4) the number of tendered votes,
- (5) the result of the verification referred to in rule 49, and
- (6) the name or names of the candidate or candidates elected.

He shall also permit any candidate or his election or counting agent to take a copy of or an extract from such return.

51. Custody of the return and of the ballot boxes and papers relating to election.—(1) The Returning Officer shall, after reporting the result of the election under section 67, forward the return to the Chief Electoral Officer.

(2) All ballot boxes used at the election shall be kept in such custody as the Chief Electoral Officer may direct.

(3) The Returning Officer shall keep in his own custody the packets of ballot papers and all other papers relating to the election.

52. Production and inspection of election papers.—(1) While in the custody of the Returning Officer the packets of ballot papers, whether valid, rejected or tendered, of the counter-foils of postal ballot papers and of the marked copy of the electoral roll shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court or of a Tribunal.

(2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commission may direct.

(3) Copies of the returns by the Returning Officers forwarded under sub-rule (1) of rule 51 shall be furnished by the Chief Electoral Officer of the State concerned on payment of a fee of two rupees for each such copy.

53. Disposal of election papers.—(1) The packets referred to in sub-rule (1) of rule 52 shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by a competent court or by a Tribunal.

(2) All other papers relating to the election shall be retained until the termination of the next general election for the constituency to which they relate and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by a competent court or by a Tribunal.

CHAPTER IV.

Special provisions for voting at elections in Council constituencies.

54. Special rules as to voting in Council constituencies.—The provisions of Chapter II of this Part (except rules 19, 21, 22, 23, 25, 26, 28, 29, and 31 thereof) and the following rules 55 to 63 and rule 71 shall apply in relation to voting at an election in a Council Constituency:

Provided that it shall be permissible under rule 18 to provide more than one polling compartment at a polling station:

Provided further that the presiding officer of each polling station shall under rule 32, after the close of the poll, also make up into a separate packet the counterfoils of the ballot papers used at the polling station and seal such packet with his own seal and the seals of such candidates or election or polling agents as may desire to affix their seals and deliver the said packet or cause it to be delivered along with the other packets referred to in that rule to the Returning Officer and that the reference to the returned ballot papers in that rule shall include the reference to the ballot papers cancelled under sub-rule (1) of rule 63:

Provided also that rule 38 shall in its application to voting by electors authorised under rule 35 or permitted under sub-rule (4) of rule 36 or sub-rule (2) of rule 37 to give their votes by postal ballot at any such election have effect as if for the provisions of sub-rules (1) and (2) of the said rule 38 the provisions of sub-rules (1) and (2) of rule 65 were substituted.

55. Articles to be provided at the polling station.—The Returning Officer shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, instrument for stamping the official mark, if any, on such papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station.

56. Ballot boxes to be locked and sealed before the commencement of poll.—(1) Every ballot box shall be of such design as has been previously approved of by the Election Commission. It shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

(2) The presiding officer at each polling station shall immediately before the commencement of the poll allow inspection of each ballot box to be used at the poll to the candidates, their election agents and their polling agents who may be present at such station, and demonstrate to them and to all other persons present that it is empty.

(3) Where it is necessary to use a paper seal for securing the ballot box, the presiding officer shall thereafter fix in the space meant therefor in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal and obtain thereon the signatures or seals of such candidates or of such election or polling agents of the candidates, as may be present and may desire to affix such signatures or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open.

(4) Where it is not necessary to use a paper seal for securing a ballot box, the presiding officer shall, after demonstrating under sub-rule (2) that the ballot box is empty, secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents who may be present to affix their own seals on the space in the box meant therefor, if they so desire.

(5) The paper seal or the other seals used in a ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such paper seal or other seals or any thread on which the other seals have been affixed.

57. Form of ballot paper.—The ballot paper shall be in Form 17 and the particulars therein shall be printed in such language or languages as the Election Commission may direct. The names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

58. Procedure before recording votes.—(1) The elector on entering the polling station shall approach the polling officer in charge of the electoral roll who shall ascertain the elector's name and address and such other particulars as appear on the roll and, after having checked these by reference to the roll, shall call out the number, name and description of the elector according to the entry in the roll.

(2) On the elector's name being called out the elector shall approach the polling officer in charge of the ballot papers who shall thereafter deliver a ballot paper to the elector. Before delivering the ballot paper, the polling officer shall, where a direction has been issued in this behalf under rule 20, stamp the ballot paper with such official mark as may have been specified under that rule. Such polling officer shall at the time of delivery of the ballot paper place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot paper and shall also enter on the counterfoil the serial number of the elector and the name of the constituency and of the polling station.

(3) In deciding the right of a person to obtain a ballot paper under this rule, the presiding officer at any polling station may interpret an entry in the electoral roll so as to overlook merely clerical or printing errors, provided that he is satisfied that such person is identical with the elector to whom such entry relates.

59. Manner of recording votes.—(1) The elector on receiving a ballot paper shall proceed for the purpose of recording his vote into a polling compartment provided for the purpose and shall record his vote in accordance with the instructions set out on the ballot paper. He shall then, before quitting the polling compartment, fold up his ballot paper so as to conceal his vote and if there is an official mark on the ballot paper, show to the presiding officer the official mark and then proceed to the ballot box provided and put the ballot paper so folded up into the ballot box.

(2) Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

60. Instructions for the recording of votes to be explained by the presiding officer when requested.—The presiding officer at a polling station shall, when he is so requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes.

61. Recording of votes of infirm electors.—If owing to physical incapacity an elector is unable to read the ballot paper or to make a mark thereon, the presiding officer shall record the vote in the ballot paper according to the direction of the elector. The elector shall then himself or with the assistance of the presiding officer put the ballot paper folded up into the ballot box. The presiding officer shall have this done with as much secrecy as is feasible and shall keep a brief record of each such instance without indicating the manner in which the votes have been cast.

62. Tendered ballot papers.—(1) If a person representing himself to be a particular elector named in the electoral roll applies for a ballot paper after another person has already voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper (referred to in this Chapter and in Chapter VI of this Part as a "tendered ballot paper") in the same manner as any other elector.

(2) A tendered ballot paper shall be of a colour different from the other ballot papers and shall, instead of being put into the ballot box, be handed over by such person to the presiding officer, who shall thereupon in the presence of such person endorse it with the name of the elector, his serial number in the electoral roll and the name of the electoral area to which the roll relates. The presiding officer shall then place the ballot paper in a separate packet set apart for the purpose. At the end of the poll, the packet containing all such tendered ballot papers shall be sealed. The votes cast on tendered ballot papers shall not be counted by the Returning Officer.

(3) The name of the constituency, the name of the elector, his serial number in the electoral roll and the name of the polling station to which the roll relates, shall be entered in a list in Form 8 which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name or affix his thumb impression against the entry relating to such ballot paper in that list.

63. Supply of fresh ballot paper when ballot paper is spoilt through inadvertence and the return of ballot paper by an elector.—(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and on satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so delivered and the latter shall together with its counterfoil be marked as cancelled by the presiding officer. All ballot papers so cancelled shall be kept in a separate envelope set apart for the purpose.

(2) If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the presiding officer and the ballot paper so returned shall then be marked as "cancelled-returned" and kept in the envelope set apart for the purpose of keeping ballot papers cancelled under sub-rule (1).

(3) A record shall be kept by the presiding officer of the ballot papers cancelled under sub-rules (1) and (2).

64. Voting by postal ballot in Council constituencies.—(1) Notwithstanding anything in the foregoing provisions of this Chapter the Election Commission may, at any time after the notification calling upon a Council constituency to elect a member or members has been issued under the Act but not later than the last date for the withdrawal of candidatures at such election appointed under clause (c) of section 30, direct by notification in the Official Gazette, that the method of voting by postal ballot shall be followed at such election in that constituency as a whole.

(2) When any notification has been issued under sub-rule (1) the provisions of Chapter II of this Part (except rules 35 and 36 thereof) and of rules 55 to 63 shall not be applicable, but the provisions of rules 35 and 36 and the following

rules 65 to 71 shall apply, in relation to voting at the election to which such notification relates if a poll is taken at such election.

65. Returning Officer to send ballot papers by post.—(1) The Returning Officer shall, as soon as may be after the publication under rule 11 of the list of validly nominated candidates at the election, send by registered post to each elector a ballot paper in Form 18 (referred to in this Chapter and in Chapter VI of this Part as a "postal ballot paper"), and shall enter on the counterfoil of each such ballot paper the name of the elector to whom the ballot paper is sent and his serial number in the electoral roll. The particulars in the ballot paper shall be printed in such language or languages as the Election Commission may direct, and the names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

(2) Along with the ballot paper the Returning Officer shall also send—

- (a) a cover addressed to himself in Form 19,
- (b) an envelope with the number of the ballot paper entered on its face, and
- (c) a letter in Form 20.

The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the cover in Form 19.

(3) The ballot paper together with the cover, envelope and letter shall be sent—

- (a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member and has been registered in the electoral roll for the constituency in which the election is held on the basis of the statement referred to in rule 35, to the address of the elector as shown in the electoral roll, or to such elector under the care of such officer of the said Forces as the Election Commission may designate;
- (b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60, or the wife of any such person and has been so registered in such electoral roll, to such elector at the place where the elector or her husband, as the case may be, is holding such office;
- (c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of any such person and has been so registered in such electoral roll, to such elector under the care of the diplomatic or consular representative of India in the country in which such elector is resident;
- (d) in the case where the elector is a person subjected to preventive detention and has been permitted under sub-rule (4) of rule 26 to give his vote at the election by postal ballot, to such elector at the place of his detention; and
- (e) in the case of any other elector, to the address of the elector as shown in the electoral roll.

(4) The officer of the Armed Forces or the diplomatic or consular representative of India under whose care a ballot paper is sent to an elector under clause (a) or clause (c) of sub-rule (3) shall ensure that the ballot paper is delivered to such elector without delay.

(5) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in a packet the counterfoils of all such ballot papers and record on such packet the description of its contents and the name of the constituency and the date of the election to which it refers.

(6) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

66. Ballot papers to be returned after recording votes thereon.—(1) Every elector on receiving his ballot paper sent under rule 65, if he desires to vote at the election, shall record his vote thereon and sign the declaration on its back in accordance with the instructions set out on the ballot paper and in the letter sent with the ballot paper.

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him before 5 P.M. on the date fixed in this behalf by the Returning Officer. Any cover which is not received by the Returning Officer before 5 P.M. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer.

67. Attestation of elector's signature on the ballot paper.—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper—

- (a) in the case referred to in clause (a) of sub-rule (3) of rule 65, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;
- (b) in the case referred to in clause (b) of that sub-rule, by an officer not below the rank of a Deputy Secretary to Government;
- (c) in the case referred to in clause (c) of that sub-rule, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;
- (d) in the case referred to in clause (d) of that sub-rule, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, or by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified; and
- (e) in other cases, by a magistrate or such other person as may be notified in this behalf by the Election Commission, to whom the elector is personally known or to whose satisfaction the elector has been identified.

68. Attesting Officer to assist infirm electors.—(1) If an elector to whom a ballot paper has been sent under rule 65 is unable through physical incapacity to record his vote and sign the declaration on the back of the ballot paper in accordance with the provisions of rule 66, it shall be competent for him to make his declaration and to record his vote by the hand of an officer or other person empowered to attest his signature and declaration under rule 67 (referred to in this Chapter as an "attesting officer").

(2) Any such elector as aforesaid may deliver the ballot paper together with the envelope and the cover received by him from the Returning Officer to an attesting officer, and such officer shall on being so requested by the elector certify on the back of the ballot paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration on the back of the ballot paper and to record the vote on the ballot paper for him, and that he has put the marks on the ballot paper in accordance with the wishes of the elector and that the ballot paper was so signed and marked by him in the presence of the elector.

(3) Such officer shall thereupon place the marked ballot paper in the envelope, close the envelope and enclose it in the cover which he shall seal and hand over to the elector. The elector shall then send the sealed cover forthwith to the Returning Officer in accordance with the instructions contained in the letter sent to the elector along with the ballot paper so as to reach the Returning Officer before 5 P.M. on the date referred to in sub-rule (2) of rule 66. Any cover which is not received by the Returning Officer before 5 P.M. on such date shall be rejected and kept along with the covers rejected under the said sub-rule.

69. Issue of undelivered and fresh ballot papers.—(1) When a ballot paper and other connected papers sent by post under rule 65 are for any reason returned undelivered, the Returning Officer may reissue them by registered post or deliver them or cause them to be delivered to the elector personally on his applying for the same.

(2) In cases where any elector has inadvertently dealt with his ballot paper or any of the connected papers in such a manner that the papers cannot conveniently be used, a second set of ballot and other connected papers may be issued to the elector on the elector returning the ballot paper and other connected papers to the Returning Officer and satisfying him of the inadvertence. The papers so returned to the Returning Officer together with the counterfoil of the ballot paper so returned shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counter-foil of the ballot paper shall be kept in a separate envelope set apart for the purpose.

70. Safe custody of covers containing postal ballot papers received by the Returning Officer.—The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under rule 66 or rule 68.

71. Votes and preferences to be exercised by the electors at an election in a Council constituency.—(1) At an election in a Council constituency every elector shall have one vote only.

(2) Such an elector in giving his vote—

(a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he votes, and

(b) may, in addition, place on his ballot paper the figure 2, or the figures 2 and 3, or 2, 3 and 4, and so on, in the spaces opposite the names of other candidates in the order of his preference.

CHAPTER V

Special provisions for voting at elections to fill seats in the Council of States and at elections by the members of the Legislative Assemblies to fill seats in the Legislative Councils.

72. Special rules as to voting at certain elections to fill seats in the Council of States and in the Legislative Councils.—At an election (other than a primary election) to fill a seat or seats in the Council of States or at an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State, the following rules 73 to 82 and rule 89 shall apply in relation to voting at such election, if a poll is taken thereat.

73. Notice to the elected members or the members of the Legislative Assembly of a State or the members of the electoral college for a Part C State or group of such States of the date, time and place fixed for the poll.—(1) As soon as may be after the publication of the hours fixed under section 56 for polling at an election by the elected members of the Legislative Assembly of a State or by the members of the electoral college for a Part C State or group of such States to fill a seat or seats in the Council of States, or at an election by the members of the Legislative

Assembly of a State to fill a seat or seats in the Legislative Council of that State, the Returning Officer for such election shall by notice in writing inform each elected member or member of such Legislative Assembly or each member of such electoral college, as the case may be, (referred to in this Chapter and in Chapter VI of this Part as an "elector") of the date fixed for the poll under clause (d) of sub-section (2) of section 39, the hours of polling so fixed and the place fixed under sub-section (1) of section 24 at which the poll will be taken.

(2) Notice under sub-rule (1) shall be served personally and, in default of personal service, shall be served by registered post or, if necessary, by telegram.

74. Articles to be provided at the place fixed for the poll.—The Returning Officer shall provide at the place fixed for the poll materials sufficient for the purpose of enabling electors to mark the ballot papers and as many ballot boxes as may be necessary. He shall also provide a sufficient number of copies of the list containing the names of the electors maintained under sub-section (1) or sub-section (2) of section 152, as the case may be.

75. Ballot boxes to be locked up and sealed before the commencement of poll.—(1) Every ballot box shall be of such design as has been previously approved of by the Election Commission. It shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

(2) The Returning Officer shall immediately before the commencement of the poll allow inspection of each ballot box to be used at the poll to the candidates, their election agents and their polling agents who may be present at the place fixed for the poll and demonstrate to them and to all other persons present that it is empty.

(3) Where it is necessary to use a paper seal for securing the ballot box, the Returning Officer shall thereafter fix in the space meant therefor in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal and obtain thereon the signatures or seals of such candidates or of such election or polling agents of the candidates as may be present and may desire to affix such signatures or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open.

(4) Where it is not necessary to use a paper seal for securing a ballot box, the Returning Officer shall, after demonstrating under sub-rule (2) that the ballot box is empty, secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents who may be present to affix their own seals on the space in the box meant therefor, if they so desire.

(5) The paper seal or the other seals used in a ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such paper seal or other seals or any thread on which the other seals have been affixed.

76. Admission to the place fixed for the poll.—(1) The Returning Officer shall regulate the number of electors to be admitted at any one time inside the place fixed for the poll and shall exclude therefrom all other persons except—

- (a) the polling officers;
- (b) each candidate, his election agent, and one polling agent of each candidate;
- (c) the police officers and other public servants on duty; and
- (d) such other persons as the Returning Officer may from time to time admit for the purpose of assisting him in taking the poll.

(2) The Returning Officer shall close the place fixed for the poll at the hour fixed in that behalf under section 56 and shall not admit thereto any elector after that hour:

Provided that all electors present at the place fixed for the poll before it is so closed shall be entitled to have their votes recorded.

77. Form of ballot paper.—The ballot paper shall be in Form 21 and the particulars therein shall be printed in such language or languages as the Election Commission may direct. The names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

78. Procedure before recording votes.—Immediately before a ballot paper is delivered to an elector, a mark shall be placed in the copy of the list of electors maintained under sub-section (1) or sub-section (2), as the case may be, of section 152 against the name of the elector and the number of the elector in the said list shall be entered on the counterfoil of the ballot paper. The elector shall then give a receipt in writing against his name in the said copy of the list that he has received the ballot paper. No other mark or writing shall be put against the name in such list and no ballot paper shall be delivered to an elector unless he has given such receipt.

79. Supply of fresh ballot paper when ballot paper is spoilt through inadvertence and the return of ballot paper by an elector.—(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the Returning Officer and on satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so delivered and the latter shall together with its counter-foil be marked as cancelled by the Returning Officer. All ballot papers so cancelled shall be kept in a separate envelope set apart for the purpose.

(2) If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the Returning Officer and the ballot paper so returned shall then be marked as "cancelled-returned" and kept in the envelope set apart for the purpose of keeping ballot papers cancelled under sub-rule (1).

(3) A record shall be kept by the Returning Officer of the ballot papers cancelled under sub-rules (1) and (2).

80. Manner of recording votes.—(1) The elector on receiving a ballot paper shall proceed for the purpose of recording his vote into a place screened from observation provided therefor and shall record his vote in accordance with the instructions set out on the ballot paper. He shall then, before quitting such place fold up his ballot paper so as to conceal his vote and shall proceed to the ballot box provided and put the ballot paper so folded up into the ballot box.

(2) Each elector shall vote without undue delay and shall quit the place fixed for the poll as soon as he has put his ballot paper into the ballot box.

81. Instructions for the recording of votes to be explained by the Returning Officer when requested.—The Returning Officer shall, when he is so requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes.

82. Sealing up of ballot boxes etc. after the close of the poll.—As soon as practicable after the close of the poll, the Returning Officer shall, in the presence of any candidates or their election or polling agents who may be present, close the slit for insertion of ballot papers of each ballot box or where the box

does not contain any mechanical device for closing the slit, seal up the slit and seal and secure all the ballot boxes used at the place fixed for the poll. He shall also make up into separate packets—

- (a) the unused ballot papers;
- (b) the marked copy of the list of electors containing receipts of the electors that ballot papers have been obtained by such electors;
- (c) the ballot papers cancelled under sub-rules (1) and (2) of rule 79; and
- (d) the counter-foils of ballot papers.

and shall seal each such packet with his own seal and the seals of such candidates or election or polling agents as may desire to affix their seals thereon. The Returning Officer shall retain the ballot box or boxes used at the place fixed for the poll and all such packets in safe custody until the commencement of the counting of votes.

83. Voting by postal ballot at certain elections to fill seats in the Council of States and in the Legislative Councils.—(1) Notwithstanding anything in the foregoing provisions of this Chapter, the Election Commission may, at any time before the last date appointed under clause (c) of sub-section (2) of section 39 for the withdrawal of candidatures at any election referred to in that sub-section, direct by notification in the Official Gazette, that the method of voting by postal ballot shall be followed at such election.

(2) When any notification has been issued under sub-rule (1), the provisions of rules 73 to 82 shall not be applicable, but the following rules 84 to 89 shall apply, in relation to voting at the election to which such notification relates if a poll is taken at such election.

84. Returning Officer to send ballot papers by post.—(1) On or before such date as may be fixed in this behalf by the Election Commission, the Returning Officer shall send by registered post to each elected member or member of the Legislative Assembly concerned or each member of the electoral college concerned, as the case may be, (referred to in this Chapter and in Chapter VI of this Part as an "elector") a ballot paper in Form 22 (referred to in this Chapter and in the said Chapter VI as a "postal ballot paper") and shall enter on the counterfoil of each such ballot paper the name of the elector to whom the ballot paper is sent and his number in the list maintained under sub-section (1) or sub-section (2), as the case may be, of section 152. The particulars in the ballot paper shall be printed in such language or languages as the Election Commission may direct, and the names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

(2) Along with the ballot paper the Returning Officer shall also send—

- (a) a cover addressed to himself in Form 23;
- (b) an envelope with the number of the ballot paper entered on its face; and
- (c) a letter in Form 24.

The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the cover in Form 23.

(3) The ballot paper together with the cover, envelope and letter shall be sent to the address of the elector as shown in the list maintained under sub-section (1) or sub-section (2), as the case may be, of section 152.

(4) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in a packet the counterfoils of all such ballot papers and record on such packet the description of its contents and the date of the election to which it refers.

(5) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

85. Ballot papers to be returned after recording votes thereon.—(1) Every elector on receiving his ballot paper sent under rule 84, if he desires to vote at the election, shall record his vote thereon and sign the declaration on its back in accordance with the instructions set out on the ballot paper and in the letter sent with the ballot paper.

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him before 5 P.M. on the date fixed in this behalf by the Election Commission. Any cover which is not received by the Returning Officer before 5 P.M. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer.

86. Attestation of elector's signature on the ballot paper.—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper by a magistrate or such other officer as may be notified in this behalf by the Election Commission to whom the elector is personally known or to whose satisfaction the elector has been identified.

87. Issue of undelivered and fresh ballot papers.—(1) When a ballot paper and other connected papers sent by post under rule 84 are for any reason returned undelivered, the Returning Officer may reissue them by registered post or deliver them or cause them to be delivered to the elector personally on his applying for the same.

(2) In cases where any elector has inadvertently dealt with his ballot paper or any of the connected papers in such a manner that the papers cannot conveniently be used, a second set of ballot and other connected papers may be issued to the elector on the elector returning the ballot paper and other connected papers to the Returning Officer and satisfying him of the inadvertence. The papers so returned to the Returning Officer together with the counter-foil of the ballot paper so returned shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counter-foil of the ballot paper shall be kept in a separate envelope set apart for the purpose.

88. Safe custody of covers containing postal ballot papers received by the Returning Officer.—The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under rule 85.

89. Votes and preferences to be exercised by the electors.—(1) Every elector shall have one vote only.

(2) An elector in giving his vote—

- (a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he votes, and
- (b) may, in addition, place on his ballot paper the figure 2, or the figures 2 and 3, or 2, 3 and 4, and so on, in the spaces opposite the names of other candidates in the order of his preference.

CHAPTER VI

Special provisions with regard to the counting of votes at elections in Council constituencies, at elections to fill seats in the Council of States and at elections

by the members of the Legislative Assemblies to fill seats in the Legislative Councils.

90. Special rules as to the counting of votes at certain elections.—At an election in a Council constituency or at an election (other than a primary election) to fill a seat or seats in the Council of States or at an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of that State, the following rules 91 to 109 shall apply in relation to the counting of votes at such election and the matters connected therewith.

91. Definitions.—In this Chapter—

- (1) the expression "continuing candidate" means any candidate not elected and not excluded from the poll;
- (2) the expression "first preference" means the figure 1, the expression "second preference" means the figure 2, and the expression "third preference" means the figure 3, set opposite the name of any candidate, and so on;
- (3) the expression "transferable paper" means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate;
- (4) the expression "non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate;

Provided that a paper shall be deemed to be non-transferable paper in any case in which—

- (a) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or
- (b) the name of the candidate next in order of preference (whether continuing or not) is marked—
 - (i) by a figure not following consecutively after some other figure on the ballot paper; or
 - (ii) by two or more figures;
- (5) the expression "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;
- (6) the expression "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate;
- (7) the expression "surplus" means the number of votes by which the total number of votes, original and transferred, credited to any candidate exceeds the quota.

92. Grounds for declaring ballot papers invalid.—A ballot paper shall be invalid on which—

- (a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more than one candidate; or is so placed as to render it doubtful to which candidate it is intended to apply; or
- (c) the figure 1 and some other figure are set opposite the name of the same candidate; or
- (d) any mark is made by which the elector may afterwards be identified; or
- (e) if it is a postal ballot paper, the signature of the elector is not duly attested.

93. Appointment of time, place and date for the counting of votes.—(1) The Returning Officer shall appoint a date (which shall be as soon as practicable after the close of the poll) for the counting of votes, and shall fix the place and time at which the votes shall be counted on the date so appointed.

(2) The Returning Officer shall give notice of such date, time and place in writing to all candidates and their counting agents.

(3) If from any unavoidable cause the Returning Officer is unable to proceed with the counting of votes at the time and date appointed under sub-rule (1), the Returning Officer may postpone the counting to another date and time, and may fix, if necessary, another place for the counting of votes on the date to which the counting has been so postponed, and shall give notice thereof in writing to the candidates and their counting agents.

94. Persons who may be present at the counting of votes.—(1) The Returning Officer shall not allow any person to be present at the counting of votes except such persons as he may appoint to assist him in counting the votes and such other persons as have a right to be present under section 64.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed to assist the Returning Officer in counting the votes.

95. Procedure to be followed at the counting of votes.—(1) On the date and at the time and place appointed under rule 93, the Returning Officer shall before he commences to count the votes read the provisions of section 128 to such persons as may be present.

(2) The Returning Officer shall then—

(a) in the case of an election where votes have been recorded only by postal ballot, open the covers containing the postal ballot papers received by him under rules 66 and 68 before 5 P.M. on the date referred to in sub-rule (2) of rule 66, or, under rule 85 before 5 P.M. on the date referred to in sub-rule (2) of that rule, as the case may be; and

(b) in other cases, open the ballot boxes, and where the election relates to a Council constituency, also the covers received by him under rules 39 and 41 before 5 P.M. on the date referred to in sub-rule (2) of rule 39.

(3) In the case of an election in a Council constituency the Returning Officer shall, after the ballot papers have been taken out from each of the ballot boxes, count them or cause them to be counted and record the number thereof in a statement.

(4) The Returning Officer shall thereafter scrutinise the ballot papers taken out from the covers under clause (a) of sub-rule (2), or the ballot papers taken out from the ballot boxes and covers under clause (b) of that sub-rule, as the case may be, and separate the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection; and after rejecting those which are invalid shall arrange the remainder in parcels according to the first preferences recorded for each candidate.

96. Counting of votes.—The Returning Officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

97. Ascertainment of quota.—The Returning Officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder,

shall be the number of votes sufficient to secure the return of a candidate (in this Chapter referred to as the "quota").

98. Candidates with quota elected.—If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be declared elected.

99. Transfer of surplus.—(1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicated on the ballot papers in the parcel of the elected candidates, as being next in order of the electors' preference.

(2) (a) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon.

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-parcel last received by the elected candidate and shall arrange the transferable papers therein in further sub-parcels according to the next preferences recorded thereon.

(c) In either case the Returning Officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Returning Officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the electors' next preference.

(4) (a) If the total number of transferable papers is greater than the surplus, the Returning Officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

(c) If owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the larger which arises from the larger sub-parcel, and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes.

If the original votes are equal, the Returning Officer shall determine by lot which fraction shall be deemed to be the largest.

(d) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(e) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made.

(5) (a) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(b) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the Returning Officer shall decide which surplus he will first deal with.

(c) The Returning Officer need not transfer the surplus of an elected candidate when that surplus together with any other surplus not transferred, does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll.

100. Exclusion of candidates lowest on the poll.—(1) If at any time no candidate has a surplus (or when under the preceding rule any existing surplus need not be transferred), and one or more vacancies remain unfilled, the Returning Officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

The Returning Officer shall make a separate sub-parcel of the non-transferable papers.

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding rule.

(3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with lowest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and where the numbers of votes credited to those candidates were equal at all transfers, the Returning Officer shall decide by lot which of them shall be excluded.

101. Disposal of papers after any transfer.—(1) Whenever any transfer is made under any of the preceding rules, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in rule 99 before any other candidate is excluded.

102. Filling the last vacancies.—(1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When the last vacancies can be filled under this rule, no further transfer of votes need be made.

103. Provision for recounts.—Any candidate or in his absence his election or counting agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Returning Officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the Returning Officer shall forthwith re-examine and recount the same accordingly. The Returning Officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same votes more than once.

104. Illustration of the procedure as to the counting of votes under this Chapter.—An illustration of the procedure as to the counting of votes in accordance with the provisions of this Chapter is given in Schedule III.

105. Verification of accounts submitted by the presiding officers.—In the case of an election in a Council constituency where votes have not been recorded only by postal ballot, the Returning Officer shall not open the sealed packets of the tendered ballot papers, the marked copy of the electoral roll or the counter-foils of the ballot papers, but he shall verify the accounts submitted by the presiding officers under rule 33 by comparing them with the statement prepared under sub-rule (3) of rule 95 and with the number of the valid ballot papers and the rejected ballot papers, the unused ballot papers in his possession and the tendered votes list and record the result of the verification in a statement. He shall then re-close and resel each packet which has been opened by him, and shall also seal the statements prepared under this rule and under sub-rule (3) of rule 95 in a separate packet. He shall record on each packet the description of its contents and the name of the constituency and the date of the election to which it refers.

106. Return by Returning Officers.—(1) Upon the completion of the counting of votes, the Returning Officer shall prepare and certify a return in Form 25 setting forth—

- (a) the names of the candidates for whom valid votes have been given;
- (b) the number of valid votes given to each candidate;
- (c) the number of votes declared invalid and rejected;
- (d) the names of the persons declared elected.

The Returning Officer shall also permit any candidate or his election or counting agent to take a copy of or an extract from the return.

(2) The Returning Officer shall then seal up in separate packets the valid and the rejected ballot papers and record on each such packet the description of its contents and the date of the election to which it refers.

107. Custody of the return and of the ballot boxes and papers relating to election.—(1) The Returning Officer shall, after reporting the result of the election under section 67, forward the return to the Chief Electoral Officer.

(2) All ballot boxes used at the election shall be kept in such custody as the Chief Electoral Officer may direct.

(3) The Returning Officer shall keep in his own custody the packets of ballot papers and all other papers relating to the election.

108. Production and inspection of election papers.—(1) While in the custody of the Returning Officer, the packets of ballot papers, whether valid, rejected or tendered and their counterfoils, and of the marked copy of the electoral roll or

of the list maintained under sub-section (1) or sub-section (2) of section 152 shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court or of a Tribunal.

(2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commission may direct.

(3) Copies of the returns by the Returning Officers forwarded under sub-rule (1) of rule 107 shall be furnished by the Chief Electoral Officer of the State concerned on payment of a fee of two rupees for each such copy.

109. Disposal of election papers.—(1) The packets referred to in sub-rule (1) of rule 108 shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by a competent court or by a Tribunal.

(2) All other papers relating to an election to which this Chapter applies shall be retained until the termination of the next election held in pursuance of a notification issued under sub-section (2) of section 12 or sub-section (2) of section 18, as the case may be, and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by a competent court or by a Tribunal.

CHAPTER VII

Election expenses

110. Application of Chapter VIII of Part V of the Act to certain elections.—The provisions of Chapter VIII of Part V of the Act shall apply to every election to fill a seat or seats in the Council of States and to every election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of that State.

111. Accounts of election agents.—The books of accounts to be kept by an election agent under section 44 shall contain a statement—

(a) of all payments made or authorised by the candidate or by his election agent or made on behalf of the candidate or in his interests by any other person with the consent of the candidate or his election agent for expenses incurred on account of, or in connection with, the conduct and management of the election, and

(b) of all unpaid claims in respect of such expenses of which the candidate or his election agent is aware.

112. Return of election expenses.—(1) The returns of election expenses under Chapter VIII of Part V of the Act shall be lodged with the Returning Officer within forty-five days from the date of the publication under section 67 of the result of the election to which the expenses relate.

(2) Every such return shall be in Form 26 and shall contain the particulars specified in paragraphs 1 and 2 of Schedule IV and shall be accompanied by the declarations referred to in sub-section (2) of section 76. The said declarations shall be in the forms contained in paragraph 3 of the said Schedule and shall be written on papers stamped with non-judicial stamps of the value of two rupees each.

(3) The declaration to be made under sub-section (3) of section 76 by a candidate who owing to absence from India was unable to sign the return of election expenses and to make the required declaration shall be in the special form contained in paragraph 4 of the said Schedule.

(4) At the time when any return of election expenses is lodged with the Returning Officer, he shall note on the return the date on which it is lodged and shall also certify thereon whether or not in his opinion the return has been lodged within the time and in the manner required by the Act and these rules. In the case where a candidate owing to absence from India was unable to sign the return and to make the required declaration, the Returning Officer shall not endorse thereon the certificate referred to above until the declaration made under sub-section (3) of section 76 has been lodged with him.

113. Notice that return of election expenses has been lodged and inspection and copy of such return.—When any return and the declaration in respect thereof including in the case of a candidate, who owing to absence from India was unable to sign the return and to make the required declaration, the declaration made by such candidate under sub-section (3) of section 76, have all been lodged with the Returning Officer, the Returning Officer shall within two days from the date of the receipt of such return and the declarations cause a notice of the date or dates on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and shall, as soon as may be, cause such notice to be published in the Official Gazette; and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return and declarations and, on payment of such fee as may be fixed by the Election Commission in this behalf, be entitled to obtain attested copies thereof or of any part thereof.

114. Decision of Election Commission regarding persons who have defaulted in making the return of election expenses and have thereby incurred disqualifications and publication of the list of such persons.—(1) Within ten days from the expiration of the time specified in sub-rule (1) of rule 112 for the lodging of the return of election expenses of candidates at any election, the Returning Officer shall submit for the information of the Election Commission a statement containing the names of all candidates and their election agents together with a report whether they have lodged their returns of election expenses and, if so, the respective dates on which such returns have been lodged and shall, in the said report, invite attention to returns which in his opinion have not been lodged within the time and in the manner required by the Act and these rules.

(2) As soon as may be after the expiration of the time specified in sub-section (3) of section 76 in the case of every candidate to whom the provisions of the said sub-section apply, the Returning Officer shall also forward for the information of the Election Commission a statement containing the name of such candidate and of his election agent and also containing a report whether any declaration under the said sub-section has been lodged by the candidate after his return to India and if so, the date on which the said declaration has been lodged and shall, in the said report, invite attention to every such declaration which in his opinion has not been lodged within the time and in the manner required by the Act and these rules.

(3) Immediately after the submission of the statement referred to in sub-rule (1) or in sub-rule (2), the Returning Officer shall publish a list by affixing a copy thereof in some conspicuous place in his office notifying therein the names of all candidates and their election agents who have been reported by him under sub-

rule (1) or sub-rule (2), as the case may be, to have failed to lodge their returns of election expenses within the time and in the manner required.

(4) As soon as may be on the receipt of the statement referred to in sub-rule (1) or in sub-rule (2) the Election Commission shall, after considering the report of the Returning Officer, decide whether any candidate or election agent has failed to lodge the return of election expenses within the time and in the manner required by the Act and these rules and the candidate and the election agent have thereby incurred disqualifications under clause (c) of section 7 or under section 143.

(5) Not later than forty days from the expiration of the time specified in sub-rule (1) of rule 112 for the lodging of the return of election expenses or of the time specified in sub-section (3) of section 76 for the lodging of the declaration by the candidate after his return to India, as the case may be, the Election Commission shall cause to be published in the Official Gazette and in such other manner as it may direct a list containing the names of all candidates and their election agents who have, according to the decision given by the Election Commission under sub-rule (4), failed to lodge the returns of election expenses within the time and in the manner required by the Act and these rules and have thereby incurred the disqualifications referred to in that sub-rule.

(6) Any candidate or election agent whose name is included in the list referred to in sub-rule (5) may within fifteen days from the date of publication of the list in the Official Gazette submit a representation in writing to the Election Commission for the removal of the disqualification referred to in sub-rule (4) incurred by such candidate or election agent with an explanation as to why default has been made in making the return of election expenses, and shall at the same time send a copy thereof to the Returning Officer. Along with such copy the candidate or the election agent shall, if he has not already done so, submit a return of election expenses to the Returning Officer in the manner required by the Act and these rules. The Returning Officer shall within five days of the receipt thereof forward to the Election Commission the said copy and return (if any) with such comments as he wishes to make thereon.

(7) As soon as may be on receipt of the representation under sub-rule (6) and after such inquiry as it thinks fit, the Election Commission shall decide whether or not the disqualification incurred by the candidate or the election agent should be removed.

115. Notification of disqualifications.—As soon as may be after the expiration of the period of two months referred to in clause (b) of sub-section (1) of section 8 or of such longer period as the Election Commission may in any particular case allow under the said clause, the Election Commission shall cause the names of all candidates and their election agents who have been notified under sub-rule (5) of rule 114 as having incurred disqualifications under clause (c) of section 7 or under section 143 and whose disqualifications have not up to that time been removed by the Election Commission to be published in the Official Gazette.

116. Maintenance of records regarding elections and election expenses.—(1) The Election Commission shall cause to be prepared in such manner as it may direct a record showing—

- (a) the name of each candidate at every election;
- (b) the name of the election agent of each such candidate;

- (c) the date of each election;
- (d) the name of each constituency in which an election has been held;
- (e) the date on which the return of election expenses of each candidate in each such election has been lodged with the Returning Officer and the date by which such return ought to have been lodged; and
- (f) whether the return of election expenses of each such candidate has been lodged in the manner required by the Act and these rules.

(2) The particulars required for the maintenance of the record mentioned above shall be furnished to the Election Commission by the Returning Officers concerned through the Chief Electoral Officer.

(3) The record shall be open to inspection by any person on payment of a fee of two rupees and attested copies of entries made therein shall be furnished to any person on payment of a fee of two rupees per copy of the entries relating to each candidate.

(4) The record of each election shall be maintained for six years from the date of such election.

(5) Separate records shall be maintained for general elections and bye-elections.

117. Maximum election expenses.—No expense shall be incurred or authorised by a candidate or his election agent on account of or in respect of the conduct and management of an election in any one constituency in a State in excess of the maximum amount specified in respect of that constituency in Schedule V.

118. Number of persons who may be employed for payment in connection with elections.—No person other than, or in addition to, those specified in Schedule VI shall be employed for payment by a candidate or his election agent in connection with an election.

PART III

Election petitions

119. Time within which an election petition shall be presented.—An election petition calling in question an election may,—

- (a) in the case where such petition is against a returned candidate, be presented under section 81 at any time after the date of publication of the name of such candidate under section 67 but not later than fourteen days from the date of publication of the notice in the Official Gazette under rule 113 that the return of election expenses of such candidate and the declaration made in respect thereof have been lodged with the Returning Officer; and
- (b) in the case where there are more returned candidates than one at an election and the election petition calls in question the election as a whole, be presented under the said section 81 at any time after the date of publication of the names of all the returned candidates under section 67 but not later than sixty days from the expiration of the time specified in sub-rule (1) of rule 112 for the lodging of the returns of election expenses of those candidates with the Returning Officer.

PART IV

Miscellaneous

120. Seats in Parliament or a State Legislature when to become vacant in case of an election of the same person to more than one seat.—If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State, then, unless within ten days from the date of publication in the Official Gazette under section 67 of the declarations containing the names of that person as having been so elected, or where such publication has been made on different dates, unless within ten days from the last of those dates, such person resigns all but one of the seats, all the said seats shall become vacant.

121. List of members of the State Legislative Assemblies and of the electoral colleges.—(1) The Returning Officer for an election by the elected members of the Legislative Assembly of a State to fill a seat or seats in the Council of States or for an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State shall maintain in his office a list of the elected members or a list of members, as the case may be, of that Assembly with their addresses corrected up to date in such form as the Election Commission may direct.

(2) The Returning Officer for an election by the members of the electoral college for a Part C State or a group of such States to fill a seat or seats in the Council of States shall maintain in his office a list of members of that electoral college with their addresses corrected up to date in such form as the Election Commission may direct.

122. Manner of serving the order of requisition of premises, vehicles, etc.—An order of requisition under section 160 shall be served—

- (a) where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure 1908, (Act V of 1908); and
- (b) where the person to whom such order is addressed is an individual—
 - (i) personally by delivering or tendering the order, or
 - (ii) by registered post, or
 - (iii) where the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

123. Time within which an application for reference to arbitration is to be made under section 161.—The time within which any person interested who is aggrieved by the amount of compensation determined under sub-section (1) of section 161, or within which the owner of a vehicle, vessel or animal who is aggrieved by the amount of compensation determined under sub-section (2) of that section, may make an application for referring the matter to an arbitrator shall be fourteen days from the date of determination of the amount of such compensation.

SCHEDULE I.

[Rule 2(1)(a)]

FORM 1.

FORM OF NOTICE

(Rule 3)

the House of the People	.....
.....Legislative Assembly	.....
.....Legislative Council	.....
.....Electoral College	.....

Whereas the.....constituency of
has been called upon to elect a member (members) on or before.....

Whereas the.....elected members of.....Legislative Assembly
Whereas the.....members of.....Electoral College
.....members of.....Legislative Assembly
been called upon to elect a member (members) on or before.....to fill
a seat (seats) in the.....Council of States
.....Legislative Council

I,the Returning Officerof the said constituency do
hereby give the following:—

Public Notice.

- (i) The number of person(s) to be elected is.....*[of which one shall belong to the Scheduled Castes (and)/one shall belong to the Scheduled Tribes/who shall belong to the Scheduled Castes/Scheduled Tribes].
- (ii) Nomination papers may be delivered to the undersigned at his office at.....or, if he is unavoidably prevented from receiving the same to.....at.....They should be presented between 11 A.M. and 3 P.M. on or before.....(date).
- (iii) Forms of nomination paper may be obtained at the offices of the persons above mentioned between the hours of.....(hour) and.....(hour) from.....(date) to.....(date).
- (iv) The nomination papers will be taken up for scrutiny at.....(hours) on.....(date) in.....(place).
- ** (v) In the event of the election being contested, the poll will take place on.....between the hours of.....and/the date or dates on which the poll will take place and the hours of polling will be notified separately.

Returning Officer.

Date.....

Address.....

* This will be omitted in the case of an election where the seat or any of the seats to be filled is not reserved for the Scheduled Castes or the Scheduled Tribes or for an autonomous district of Assam including an election in the constituency comprising the cantonment and municipality of Shillong.

** This will be omitted in the case of an election where votes will be recorded only by postal ballot.

FORM 2

(Rule 8)

Notice of nominations for election to the

House of the PeopleLegislative Assembly from.....constituency.Legislative CouncilElectoral College

Council of States by the elected members of Legislative Assembly
Legislative Council members of Electoral College
 received on.....up to 3 P.M.

Serial No.	Name of candidate	Father's or husband's name	Age	Address	*Where the candidate is a member of the Scheduled Castes or of the Scheduled Tribes, the particular caste or tribe to which the candidate belongs	Constituency in the electoral roll for which the name of the candidate is included and the **serial number of the candidate in such roll	Name of proposer	**Serial No. of proposer in the electoral roll or in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Act in which his name is included	Name of seconder	**Serial No. of seconder in the electoral roll or in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Act in which his name is included

Returning Officer.

* This column is to be filled only in the case of a constituency where the seat or any of the seats to be filled is reserved for the Scheduled Castes or for the Scheduled Tribes or in the case of a constituency where any seat is reserved for an autonomous district of Assam other than the constituency comprising the cantonment and municipality of Shillong. In other cases, this column should be struck out.

** Where the electoral roll is sub-divided into parts and separate serial numbers are assigned to the electors entered in each part, a description of the part in which the name of the person concerned is entered is also to be given here.

FORM 3

[Rule 9(1)]

FORM OF NOTICE OF WITHDRAWAL

To**The Returning Officer**

for..... constituency of the

<input type="checkbox"/> *House of the People <input type="checkbox"/> Legislative Assembly <input type="checkbox"/> Legislative Council <input type="checkbox"/> Electoral College
--

for the election to the *Council of States
 Legislative Council by the

*elected members of.....Legislative Assembly
 members of.....Electoral College
 members of.....Legislative Assembly.

I,, of a candidate nominated
 at the *election in the above constituency
 above election do hereby give

notice that I withdraw my candidature.

Dated this day of 195

Place

Signature of candidate.

This notice of withdrawal was delivered to me at my office at.....(hour) on
(date) by.....the candidate/the candidate's proposer/seconder/election
 agent who has been authorised in writing by the candidate to deliver it.

Returning Officer

Assistant Returning Officer.

* Only the appropriate alternatives should be used.

FORM 4

[Rule 9(2)]

NOTICE OF WITHDRAWAL OF CANDIDATURES

Notice(s) of withdrawal of candidature(s) for election to the

House of the People.....Legislative Assemblyfrom.....constituency.....Legislative Council.....Electoral CollegeCouncil of States.....Legislative Council by theelected members of.....Legis-
lative Assembly
members of.....Electoral College
members of Legislative
Assemblyhas (have) been received on.....fromthe following candidateeach of the following candidatesName(s) of candidate(s):—

1.

2. etc.....

Returning Officer

Date.....

FORM 5

[Rules 10(3) and 11]

House of the People

.....Legislative Assembly

Election to theLegislative Council from.....constituency.
.....Electoral College

Council of States

Election to theLegislative Council by the

elected members of.....Legislative Assembly.

members of.....Electoral College.

members of.....Legislative Assembly.

List of valid nominations

FINAL LIST OF CANDIDATES FOR ELECTION.

Serial No.	Name of candidate.	Address of candidate.	*Symbol assigned to the candidate, if any.
1.			
2.			
3.			
4.			
etc.			

Note.—**1. The poll will be taken between the hours of.....and.....on.....(date or dates) at the polling stations/place fixed for the poll to be notified separately.

***2. The candidates whose names are marked with † are members of the Scheduled Castes and the candidates whose names are marked with ‡ are members of the Scheduled Tribes.

Place

Date

Returning Officer.

* This column will be omitted in the case of an election in a Council constituency or an election (other than a primary election) to fill a seat or seats in the Council of States or an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State.

**This note will be omitted in the case of an election where votes will be recorded only by postal ballot.

*** This note will be omitted where the seats to be filled do not include one or more seats reserved for the Scheduled Castes or for the Scheduled Tribes.

FORM 6

[*Rules 12(1), 13(1), 14(4) and 15(2)*]

*Election to the House of the People
.....Legislative Assembly
.....Legislative Council from..... Constituency..
.....Electoral College

*Election to the Council of States by the Legislative Council

*elected members of..... Legislative Assembly
members of..... Electoral College
members of..... Legislative Assembly.

**APPOINTMENT OF *POLLING
COUNTING AGENT**

T_0

*The Returning Officer *for..... Constituency.
for the aforesaid election.

*The Presiding Officer of.....polling station.

I, *a candidate
the election agent of.....who is a candidate
at the present election, do hereby give notice that I have appointed.....

..... as a polling counting agent to attend

*the polling station.....
the polling booth No.....at the polling station.....

*the place fixed for the poll.
at the counting of votes.

Date _____

Signature of *candidate.
election agent.

I agree to act as such *polling agent.

Signature of *polling
counting agent.

Date _____

*Declaration of *polling/counting agent to be signed before the
Presiding/Returning Officer.

I hereby declare that I will not at this election *for.....
constituency*/by *the elected member/members of.....Legislative Assembly
members of.....Electoral College

do anything forbidden by section 128 of the Representation of the People Act, 1951,
which I have read/which has been read over to me.

Signature of *polling
counting agent

Date.....

Signed before me.

*Presiding Officer
Returning Officer.

Date

*Only the appropriate alternative should be used.

SECTION 128 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

128. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

FORM 7

[Rule 29(2)]

FORM OF TENDERED BALLOT PAPER

House of the People

.....Legislative Assembly

.....Electoral College

Election forconstituency19

Polling station

No. of polling booth, if any

Name of elector

Serial number of the elector in the electoral roll

The village or town included in the electoral area to which the elector belongs.....

Name or names of candidate or candidates for whom
this is tendered1.....

2.....
etc.

Date.....

Signature of the Presiding Officer.

FORM 8

[Rules 29(3) and 62(3)]

TENDERED VOTES LIST

House of the People

Election to the Legislative Assembly 19.....

..... Electoral College

..... Legislative Council

..... Constituency.

Polling station.....

No. of polling booth, if any.....

Serial No. of the entry	Name of elector	Serial No. of the elector in the electoral roll	Address of the elector	Signature or thumb impression of the elector
1	2	3	4	5

Date.....

Signature of the Presiding Officer.

FORM 9

[Rule 30(1)]

LIST OF CHALLENGED VOTES

House of the People

Election to the Legislative Assembly
..... Electoral College 19.....
..... Legislative Council

..... Constituency.

Polling station.....

No. of polling booth, if any.....

Serial No. of entry	Name	Serial No. in electoral roll	Signature or thumb impression of the elector and his address	Name of identifier, if any	Name of person challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of challenger acknowledging receipt of deposit when deposit is returned

Date.....

Signature of the Presiding Officer.

FORM 10

(Rule 33)

BALLOT PAPER ACCOUNT

House of the People

Election to the	..... Legislative Assembly	..... 19.....
	..... Electoral College	
	..... Legislative Council	
	..... Constituency.	
Polling station.....		

	Ordinary ballot papers	Tendered ballot papers
*1. Number of ballot papers received by the Presiding Officer at the polling station or if the polling station has more than one booth, at each booth.		
2. Total number of ballot papers received by the Presiding Officer at the polling station where the polling station has more than one booth.		
3. Number of unused ballot papers returned.		
4. Number of ballot papers cancelled under rule 31 or sub-rule (1) or sub-rule (2) of rule 79.		
5. Number of tendered ballot papers used.		
6. Number of ballot papers in ballot boxes.		

Date.....

Signature of the Presiding Officer.

Note.—If a polling station has more than one polling booth, a separate account in this form (omitting item 2) shall be attached to this account in respect of each such polling booth.

* The serial numbers of ballot papers received

at the polling station are as follows:—

at each polling booth are as follows:—

 Polling booth No. 1.....

 Polling booth No. 2.....

etc.

Date.....

Signature of the Presiding Officer

FORM 11

[Rule 38(1)]

FORM OF BALLOT PAPER

Outerfoil
Front

Counterfoil

House of the People

Legislative Assembly

.....Electoral College

Election for.....

Constituency, 19.....

Serial No. of Ballot Paper.....

Name of elector.....

Serial number of
elector in the
electoral roll.....

House of the People

Legislative Assembly

.....Electoral College.

Election for.....

Constituency, 19.....

Names of Candidates	Mark

Instructions

1. The number of candidates for whom the elector may vote is.....
2. Not more than one vote may be given to a candidate.
3. Votes shall be recorded by placing a mark on the ballot paper opposite the name (or names) of the candidate (or candidates) for whom the elector wishes to vote. Please also see further instructions in the accompanying letter.
4. An elector shall obtain the attestation of his signature on the back of this form—

- (a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has been appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;
- (b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government;
- (c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such

person, by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;

- (d) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, or by a magistrate;
- (e) in the case where the elector is a person who has been permitted under sub-rule (2) of rule 37 to give his vote by postal ballot, by a magistrate.

5. The attesting officer shall attest the signature of an elector but not his vote which should not be recorded in the presence of the attesting officer.

(Form of back of outerfoil of ballot paper)

Serial No. of ballot paper.....

I hereby declare that I am the person whose name appears as elector No..... on the electoral roll for..... constituency, and that I have not voted in this constituency in any other manner *[and that at this general election I have not voted in any other Parliamentary/Assembly/Council of States constituency].

Signature of elector,

Address

Date.....

(Fold on this line)-----

Signed in my presence by..... who is personally known to me [or who has been identified to my satisfaction by—

Name
Address]

Signature of Attesting Officer,

Designation

Address.....

Date.....

*To be struck off in the case of a bye-election.

FORM 12

[Rule 38(2)]

ELECTION—URGENT.

FORM OF COVER

House of the People

Election to the Legislative Assembly 19.....
..... Electoral College
Constituency.

To

The Returning Officer,
..... Constituency.

No.....

(Address)

FORM 13

[Rule 38(2)(c)]

FORM OF LETTER OF INTIMATION

House of the People

Election to the Legislative Assembly 19.....

..... Electoral College

..... Constituency.

Dear Sir/Madam,

1. The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the election to the House of the People/.....Legislative Assembly/.....Electoral College. Should you desire to vote at this election, I have to request that—

- (a) you will record your vote by placing a mark on the ballot paper opposite the name (or names) of the candidate (or candidates) for whom you wish to vote;
- (b) you shall not give more than one vote to a candidate;
- (c) you will sign the declaration on the back of the ballot paper in the presence of an attesting officer who shall attest only your signature but not your vote which you should not record in the presence of the attesting officer;
- (d) you will then place the ballot paper in the envelope sent with this letter and close it up and enclose the envelope in the cover addressed to me and return the cover to me by pre-paid post or by messenger so as to reach me before 5 P.M. on the.....day of.....19.....

2. The number of members to be elected is.....

3. Covers returned by post on which the postage has not been pre-paid will not be received by me.

4. The officers who are empowered to attest ballot papers have been specified in the instructions set out on the ballot paper.

5. Rule 41 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951 provides that if an elector is illiterate or is unable through physical incapacity from recording his vote and signing the declaration on the back of the ballot paper, he may make his declaration and record his vote by the hand of an officer referred to in paragraph 4 above who is empowered to attest his signature and such elector may for this purpose deliver his ballot paper together with the envelope and the cover sent with this letter to such officer and request him to sign the declaration on the back of the ballot paper and to mark the ballot paper for such elector. The said rule further provides that such officer—

- (a) shall on being so requested by the elector certify on the back of the ballot paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration on the back of the ballot paper and to mark the ballot paper for him and that he has put the mark or marks on the ballot paper in accordance with the wishes of the elector and that the ballot paper was so signed and marked by him in the presence of the elector, and
- (b) shall thereupon place the marked ballot paper in the envelope mentioned above and close the same and enclose it in the cover referred to above and seal it and hand over the sealed cover to the elector and the elector shall then send it forthwith to the Returning Officer in accordance with the instructions contained in clause (d) of paragraph 1 of this letter.

6. Rule 47 of the aforesaid Rules, provides as follows:—

“A postal ballot paper which is not duly marked or on which more than one mark is placed against any candidate's name or on which votes are given to more candidates than there are members to be elected, or on which a mark is placed in such a manner as to make it doubtful to which candidate it has been given or on which the signature of the elector is not duly attested shall be invalid:

Provided that in the case of a plural member constituency where more than one vote can be given on the same ballot paper, if any vote is given by a mark which has not been duly made or by placing more than one mark against any candidate's name or if any of the marks is so placed as to render it doubtful to which candidate it has been given, only the vote concerned, but not the whole ballot paper, shall be invalid on that account.”

7. Your number on the electoral roll for..... constituency is.....
You should insert this number in the declaration on the back of the ballot paper.

Yours faithfully,

Returning Officer.

Address

Date

FORM 14

(Rule 46)

FORM OF ACCOUNT OF BALLOT PAPERS

House of the People

.....Legislative Assembly

.....Electoral College

Election for.....Constituency, 19.....

Name of candidate.....

Serial No. of entry	Name of the polling station at which the ballot box was used	No. of polling booth, if any, at which the ballot box was used	Number of valid ballot papers in the ballot box used at each polling station or polling booth

Total number of valid votes recorded in ballot papers contained in the ballot boxes...

Total number of valid votes recorded on postal ballot papers.....

Total votes polled.....

Date.....

Signature of Returning Officer.

FORM 15

[Rule 46(1)(vii)]

FORM OF RECORD OF REJECTED BALLOT PAPERS

House of the People

..... Legislative Assembly

..... Electoral College

Election for..... Constituency.19

Serial No. of entry	Serial No. of ballot paper	No. and distinguishing mark of the ballot box in which it was found	Name of the candidate in whose ballot box it was found	Brief grounds for rejection

Date.....

Signature of Returning Officer.

FORM 16

(Rule 50)

FORM OF RETURN OF ELECTION

House of the People

..... Legislative Assembly

..... Electoral College

Election for..... Constituency.....19.....

Name of candidate	Number of valid votes given for the candidate
1	2

(1)

(2)

etc.

etc.

Total number of valid votes.....

Total number of invalid votes.....

Total number of tendered votes.....

The result of the verification referred to in rule 49 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.....

I declare that—

(1) (Name)

(Address)

(2) (Name)

(Address)

etc. has/have been duly elected.

* [and that.....has been duly elected to the seat reserved for the Scheduled Castes

Scheduled Tribes

Dated the.....day of.....19

(Signature)

Returning Officer.

*To be omitted if not necessary.

FORM 17

(Rule 57)

FORM OF BALLOT PAPER

Counterfoil

Outerfoil.

Front.

Legislative Council.	.....	Legislative Council.	.....
Local Authorities'	.....	Local Authorities'	.....
Election for.....	Graduates'	Election for.....	Graduates'
Teachers'	.....	Teachers'	.....

Constituency.....19.....

Constituency.....19.....

Serial No. of ballot paper.....

Name of polling station.....

Serial number of elector in the electoral roll...

Names of candidates	Mark order of preference

Instructions

1. The number of members to be elected is.....
2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *[although there are more members than one to be elected].
3. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them, i.e., 2, 3, 4, etc.
4. Do not place more than one figure opposite the name of any candidate.

*To be deleted when only one member is to be elected.

Back of outerfoil of ballot paper

Serial No.

FORM 18

[Rule 65(1)]

FORM OF BALLOT PAPER

Counterfoil

Outerfoil

..... Legislative Council.
Local Authorities'Front.
..... Legislative Council.Election for..... Graduates'
Teachers'Local Authorities'
Election for..... Graduates'
Teachers'

Constituency..... 19.....

Teachers'

Serial No. of ballot paper.....

Constituency..... 19.....

Name of elector.....

Serial number of elector in the electoral roll..

Names of candidates	Mark order of preference

Instructions

1. The number of members to be elected is.....

2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *[although there are more members than one to be elected].

3. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them, i.e., 2, 3, 4, etc.

4. Do not place more than one figure opposite the name of any candidate. Please also see further instructions in the accompanying letter.

5. An elector shall obtain the attestation of his signature on the back of this form—

(a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has been appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;

- (b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government;
- (c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such person, by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;
- (d) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, or by a magistrate;
- (e) in all other cases, by a magistrate, or by any of the following persons who have been notified in this behalf by the Election Commission, namely:—

.....
.....
.....

6. The attesting officer shall attest the signature of an elector but not his vote which should not be recorded in the presence of the attesting officer.

*To be deleted when only one member is to be elected.

(Form of back of outerfoil of ballot paper)

Serial No. of ballot paper.....

I hereby declare that I am the person whose name appears as elector No. on the electoral roll for constituency.

Signature of elector

Address

Date.....

(Fold on this line)

Signed in my presence by who is personally known to me [or who has been identified to my satisfaction by—

Name
Address]

Signature of Attesting Officer,
Designation

Date

Address.....

FORM 19

FORM OF COVER

ELECTION--URGENT

[Rule 65(2)]

Election to the.....Legislative Council.....19.....

Constituency.....

To

The Returning Officer,

.....Constituency.

No.....

(Address)

FORM 20

FORM OF LETTER OF INTIMATION

[Rule 65 (2) (c)]

Election to the.....Legislative Council.....19.....

.....Constituency.

Dear Sir/Madam,

1. The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the election to the.....Legislative Council. Should you desire to vote at this election, I have to request that—

(a) you will record your vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote, and you shall not place the figure 1 opposite the name of more than one candidate *[although there are more members than one to be elected].

(b) you may in addition indicate your preference as regards the other candidates by putting in the spaces opposite their names the figure of the order in which you classify them, i.e., 2, 3, 4 etc., but you shall not place more than one figure opposite the name of any candidate;

(c) you will sign the declaration on the back of the ballot paper in the presence of an attesting officer who shall attest only your signature but not your vote which you should not record in the presence of the attesting officer; and

(d) you will then place the ballot paper in the envelope sent with this letter and close it up and enclose the envelope in the cover addressed to me and return the cover to me by pre-paid post or by messenger so as to reach me before 5 P.M. on the.....day of.....19.....

2. The number of members to be elected is.....
3. Covers returned by post on which the postage has not been pre-paid will not be received by me.
4. The attesting officers who are empowered to attest ballot papers have been specified in the instructions set out on the ballot paper.
5. Rule 68 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, provides that if an elector is unable through physical incapacity from recording his vote and signing the declaration on the back of the ballot paper, he may make his declaration and record his vote by the hand of an attesting officer empowered to attest his signature and such elector may for this purpose deliver his ballot paper together with the envelope and the cover sent with this letter to such attesting officer and request him to sign the declaration on the back of the ballot paper and to record the vote on the ballot paper for him. The said rule further provides that such attesting officer—
 - (a) shall on being so requested by the elector certify on the back of the ballot paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration on the back of the ballot paper and to record the vote on the ballot paper for him and that he has put the marks on the ballot paper in accordance with the wishes of the elector and that the ballot paper was so signed and marked by him in the presence of the elector, and
 - (b) shall thereupon place the marked ballot paper in the envelope mentioned above and close the same and enclose it in the cover referred to above and seal it and hand over the sealed cover to the elector and the elector shall then send it to the Returning Officer in accordance with the instructions contained in clause (d) of paragraph 1 of this letter.
6. Rule 92 of the aforesaid Rules provides that any ballot paper on which the figure 1 is not marked, or on which the figure 1 is set opposite the name of more than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figure are set opposite the name of the same candidate, or on which any mark is made by which the elector may afterwards be identified, or on which the signature of the elector is not duly attested, shall be invalid.

7. Your number on the electoral roll for constituency is You should insert this number in the declaration on the back of the ballot paper.

Yours faithfully,

Returning Officer.

Address.....

Date.....

*To be deleted when only one member is to be elected.

FORM 21
FORM OF BALLOT PAPER
(Rule 77)

Counterfoil

Outerfoil
Front

Council of States
..... Legislative Council

Election by the
elected members of..... Legislative Assembly
members of..... Electoral College
members of..... Legislative Assembly

.....19

Serial No. of ballot paper.....

Number of elector in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Representation of the People Act, 1951.....

Council of States
..... Legislative Council

Election by the
elected members of..... Legislative Assembly
members of..... Electoral College
members of..... Legislative Assembly

.....19

Name of candidate	Mark order of preference

Instructions

1. The number of members to be elected is.....
2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *(although there are more members than one to be elected.)
3. As regards the other candidate you may indicate your preference by putting in the spaces opposite their names, the figure of the order in which you would classify them, i.e., 2, 3, 4, etc.
4. Do not place more than one figure opposite the name of any candidate.

*To be deleted when only one member is to be elected.

Back of outerfoil of ballot paper.

Serial No. of ballot paper

FORM 22
FORM OF BALLOT PAPER
[Rule 84(1)]

Counterfoil

Outerfoil

Front

Election by the Council of States
Legislative Council
 elected members of..... Legislative Assembly
 members of..... Electoral College
 members of..... Legislative Assembly
19

Election by the Council of States
Legislative Council
 elected members of..... Legislative Assembly
 members of..... Electoral College
 members of..... Legislative Assembly
19

Serial No. of ballot paper.....

Name of elector.....

Number of elector in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Representation of the People Act, 1951.....

Names of candidates	Mark order of preference

Instructions

1. The number of members to be elected is.....
2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *[although there are more members than one to be elected].
3. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them, i.e., 2, 3, 4, etc.

4. Do not place more than one figure opposite the name of any candidate. Please also see further instructions in the accompany letter.

5. Ballot papers are to be attested by a magistrate or by any of the following officers who have been notified in this behalf by the Election Commission, namely :—

.....
.....
.....

6. The Attesting Officer shall attest the signature of an elector but not his vote which should not be recorded in the presence of the Attesting Officer.

*To be deleted when only one member is to be elected.

(Form of back of outerfoil of ballot paper)

Serial No. of ballot paper.....

I hereby declare that I am the person whose name appears as elector
elected members of.....Legislative Assembly

No..... in the list of members of.....Electoral College
members of.....Legislative Assembly
maintained under sub-section (1)/sub-section (2) of section 152 of the Representation of the People Act, 1951.

Signature of elector
Date..... Address.....

(Fold on this line)

Signed in my presence by.....who is personally known to
me [or who has been identified to my satisfaction by—

Name.....

Address.....]

Date.....

Signature of Attesting Officer
Designation.....
Address.....

FORM 23

FORM OF COVER

[Rule 84(2)]

ELECTION—URGENT.

Council of States

.....Legislative Council.

elected members of Legislative Assembly

Election by the members of Electoral College

members of Legislative Assembly

.....19 .

To

The Returning Officer for the aforesaid Election.

No.

(Address)

FORM 24

FORM OF LETTER OF INTIMATION

[Rule 84(2)(c)]

Council of States

Election to theLegislative Council

by the

elected members of Legislative Assembly

members of Electoral College 19

members of Legislative Assembly

Dear Sir/Madam,

1. The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the election to the Council of States/..... Legislative Council. Should you desire to vote at this election, I have to request that—

(a) you will record your vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote, and you shall not place the figure 1 opposite the name of more than one candidate *[although there are more members than one to be elected];

*To be deleted when only one member is to be elected.

(b) you may in addition indicate your preference as regards the other candidates by putting in the spaces opposite their names the figure of the order in which you classify them, i.e., 2, 3, 4, etc., but you shall not place more than one figure opposite the name of any candidate;

(c) you will sign the declaration on the back of the ballot paper in the presence of an attesting officer who shall attest only your signature but not your vote which you should not record in the presence of the attesting officer; and

(d) you will then place the ballot paper in the envelope sent with this letter and close it up and enclose the envelope in the cover addressed to me and return the cover to me by pre-paid post or by messenger so as to reach me before 5 P.M. on the.....day of.....19

2. The number of members to be elected is

3. Covers returned by post on which the postage has not been pre-paid will not be received by me.

4. The officers who are empowered to attest ballot papers have been specified in the instructions set out on the ballot paper.

5. Rule 92 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, provides that any ballot paper on which the figure 1 is not marked, or on which the figure 1 is set opposite the name of more than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figure are set opposite the name of the same candidate, or on which any mark is made by which the elector may afterwards be identified, or on which the signature of the elector is not duly attested, shall be invalid.

.....elected member/members of.....Legislative
Assembly

6. Your number in the list ofmembers of
Electoral College

maintained under sub-section (1)/sub-section (2) of section 152 of the Representation of the People Act, 1951, is You should insert this number in the declaration on the back of the ballot paper.

Yours faithfully,

Returning Officer.

Address.....

Date.....

FORM 25

FORM OF RETURN OF ELECTION

[Rule 106]

Council of States

..... Legislative Council.

..... Constituency 19

Election by the {

.....
.....
.....

..... 19

Name of candidate Number of valid votes given to the candidate.

1	2
---	---

(1).

(2)

Etc.

Etc.

Total number of valid votes

Total number of invalid votes

Total number of tendered votes

*The result of the verification referred to in rule 105 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951

I declare that

(1) (Name)

(Address)

(2) (Name)

(Address)

Etc.

..... has/have been duly elected.

(Signature)

Returning Officer

Dated the day of 19

*To be filled only in the case of an election in a Council constituency where the method of voting by ballot boxes has been followed.

FORM 26

FORM OF RETURN OF ELECTION EXPENSES

[Rule 112(2)]

House of the People

Election to the Legislative Assembly
 Legislative Council 19 ...
 Electoral College

..... Constituency.

Council of States

Election to the by the Legislative Council
 elected members of Legislative Assembly
 members of Electoral College 19
 members of Legislative Assembly

1. **Receipts.**—Including all moneys, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of, or in connection with, or incidental to the election. The name of each such person etc., and the amount received shall be shown separately:—

Date of receipt	Name and description of Payer	Amount or value
		Total

2. **Expenses.**—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of, the candidate in respect of any expenses incurred on account of or in connection with or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware:—

N.B.—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained; the vouchers shall be numbered and arranged in serial order and the number of the vouchers entered in the return against the item of expenditure.

(2) Each payment made shall be entered separately, except payments on account of postage and telegrams for which lump sums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

Part A.—In this Part shall be shown the personal expenditure of the candidate incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
Total					

Part B.—In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.

Name and description of payee	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
Total						

Part C.—In this Part shall be shown all other expenditure (including travelling expenses and cost of refreshment provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
Total					

Part D.—In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
Total					

Part E.—In this Part the cost of printing shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
Total					

Part F.—In this Part the cost of advertising shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
Total					

Part G.—In this Part the cost of stationery shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
Total					

Part H.—In this Part the cost of postage and telegrams may be shown in lump sums.

Expenditure incurred	Date of payment, if separate payments are shown	Amount paid
Total		

Part I.—In this Part the cost of rooms hired for public meetings or as an office shall be shown.

[A room hired for a public meeting or as an office must be named or described so as to identify it; and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately.]

Name and description of payee	Locality and description of room	Date of payment	Voucher No.	Amount paid	Amount unpaid
Total					

Part J.—In this Part shall be included every disputed claim remaining unpaid.

Name and description of claimant	Nature and alleged ground of claim	Amount of claim
Total		

Part K.—In this Part all expenditure incurred and payments made by the candidate or by his election agent or by any person on behalf of or in the interest of the candidate in connection with the election and not included in any of the foregoing parts shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
Total					

Part L.—In this Part the total expenditure incurred under each of the previous parts shall be shown.

Part	Paid	Unpaid	Total
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			
K			
Total			

Date..... Signature of the candidate.

Date..... Signature of the election agent of the candidate.

To be filled up by the Returning Officer

Date by which the return ought to have been lodged.....

Date on which the return has been lodged

Date..... Signature of the Returning Officer

I have examined the above return and in my opinion it has/not been lodged in the manner required.

Signature of the Returning Officer.

Date

SCHEDULE II
Nomination Paper
(Rule 4)

House of the People

Election to the	<u>Legislative Council</u>	19.....
	<u>Legislative Assembly</u>	.....
	<u>Electoral College</u>	

Election to the Council of States

Election to the	<u>Legislative Council</u>	by the
	<u>Legislative Assembly</u>	
members of	<u>Electoral College</u>	.....19.....
members of	<u>Legislative Assembly</u>	

1. Name of the constituency.....
2. Name of candidate
3. Father's/Husband's name
4. Age
5. Address
6. If the candidate is a member of the Scheduled Castes or of the Scheduled Tribes or of a tribe in any autonomous district of Assam, state the particular caste or tribe, and the area in relation to which such caste or tribe is one of the Scheduled Castes or Scheduled Tribes, as the case may be.....
7. Constituency in the electoral roll of which the name of the candidate is included
8. Serial number of the candidate in the electoral roll of the constituency in which his name is included
9. Name of the proposer
10. Serial number of the proposer in the electoral roll of the constituency
11. Number of the proposer in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Representation of the People Act, 1951.....
12. Signature of the proposer
13. Name of the seconder
14. Serial number of the seconder in the electoral roll of the constituency
15. Number of the seconder in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Representation of the People Act, 1951.....
16. Signature of the seconder.....

Declaration by candidate.

I hereby declare that I agree to this nomination.

Signature of candidate.

Date.....

*Appointment of Election Agent**

I hereby declare that I have appointed son of..... of.....
to be my election agent. myself
as my

Signature of candidate.

Date.....

Declaration as to choice of symbols†

I do hereby declare that the symbols which I have chosen for my election are shown below in the order of my preference:—

- 1.....
- 2.....
- 3.....

Signature of candidate.

Date.....

Declaration by a candidate who is a member of any of the Scheduled Castes or of any of the Scheduled Tribes.‡

I hereby declare that I am a member of theCaste/Tribe which has been declared to be a Scheduled Caste/Tribe in the State ofdistrict of in the State of

Signature of candidate.

Date.....

Verification by a Magistrate

Solemnly affirmed before me by..... who is personally known to me (or who has been identified to my satisfaction by—

Name.....

Address.....)

Full designation.....

Seal of the Magistrate.

Date.....

Certificate of delivery

Serial No.....

This nomination paper was delivered to me at my office, at (date and hour)..... by the candidate/proposer/seconder.

Returning Officer

Assistant Returning Officer.

Certificate of Scrutiny

I have scrutinised the eligibility of the candidate, the proposer and the seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination.

Returning Officer

Assistant Returning Officer.

**The symbol assigned to the candidate is.....

Returning Officer

Assistant Returning Officer.

NOTE.—(1) This nomination paper will not be valid unless it is delivered to the Returning Officer or to an Assistant Returning Officer authorised to receive it, at the place specified in this behalf in the notice issued by the Returning Officer under section 31 of section 39(3), as the case may be, of the Representation of the People Act, 1951, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on any day before the.....195

(2) Items Nos. 1, 7, 8, 10 and 14 need not be filled in the case of an election (other than a primary election) to fill a seat or seats in the Council of States or an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State.

(3) In item No. 3 the inappropriate alternative should be struck off. Husband's name is to be filled in all cases where the candidate is a married woman or a widow.

(4) Item No. 6 is to be filled only in the case of an elector in a Parliamentary or Assembly constituency where the seats or any of the seats to be filled is reserved for the Scheduled Castes or for the Scheduled Tribes or where any seat is reserved for an autonomous district of Assam other than the constituency comprising the cantonment and municipality of Shillong.

(5) Items Nos. 11 and 15 are not to be filled in the case of a Parliamentary constituency or an Assembly constituency or a Council of States constituency or a Council constituency.

(6) Where the electoral roll is sub-divided into parts and separate serial numbers are assigned to the electors entered in each part, a description of the part in which the name of the person concerned is entered must also be given in items Nos. 8, 10 and 14.

*Only one election agent is to be appointed by a candidate. If more than one nomination paper is delivered by or on behalf of a candidate for election in the same constituency, the name of the election agent so appointed, whether such agent is the candidate himself or any other person, shall be specified in each such nomination paper.

†This declaration is to be filled only in the case of a candidate at an election in a Parliamentary constituency or an Assembly constituency or a Council of State constituency.

‡This declaration and this verification are necessary in the case of an election in a Parliamentary or Assembly constituency where the seat or any of the seats to be filled is reserved for the Scheduled Castes or for the Scheduled Tribes or where any seat is reserved for an autonomous district of Assam other than the constituency comprising the cantonment and the municipality of Shillong.

§Any person who makes a false declaration or gives information which he knows or believes to be false, or does not believe to be true, is liable to be punished under section 191 and/or section 182 of the Indian Penal Code.

**This should be struck off in the case where the candidate is not a candidate for election in a Parliamentary constituency or an Assembly constituency or a Council of States constituency

SCHEDULE III

[Rule 104]

Illustration of the procedure as to the counting of votes at, and the declaration of the result of, an election conducted on the system of the single transferable vote in accordance with the provisions of Chapter VI of Part II.

Let it be assumed that there are five members to be elected, and that there are ten candidates, A, B, C, D, E, F, G, H, I and K.

The ballot papers are examined, and the valid papers are arranged in separate parcels under names of the candidates marked with the figure I.

Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him.

The result of the count may be supposed to be as follows:—

	Vote
A	2,009
B	952
C	939
D	746
E	493
F	341
G	157
H	152
I	118
K	93
Total	<u>6,000</u>

The Quota

It is found that the total of all the valid votes is 6,000. This total is divided by six (i.e., the number which exceeds by one the number of vacancies to be filled), and 1,001 (i.e., the quotient 1,000 increased by one) is the "quota" or the number of votes sufficient to elect a member.

A's votes exceed the quota, and he is declared elected.

First transfer

A has 1,008 surplus votes (i.e., A's total 2,009, less the quota 1,001), and it is necessary to transfer this surplus.

All A's 2,009 papers are examined and arranged in separate sub-parcels according to the second preferences indicated thereon.

A separate sub-parcel is also formed of those papers on which no further available preference, i.e., no further preference for any continuing candidate, is shown, and which are therefore not transferable. The result is found to be as follows:—

	Papers
A next available preference is shown for Ditto	357
Ditto	11
Ditto	28
Ditto	1,708
Total of transferable papers	<u>2,004</u>
Total of non-transferable papers	<u>5</u>
Total of A's papers	<u>2,009</u>

Since the total number of transferable papers (2,004) exceeds the surplus (1,008), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus bears to the total number of transferable papers.

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 1,008 (the surplus) and dividing the result by 2,004 (the total number of transferable papers).

The process is as follows:—

D's sub-parcel contains 257 papers, and his share of the surplus is therefore—

$$257 \times \frac{1,008}{2,004} \text{ or } 129 \frac{540}{2,004}$$

E's sub-parcel contains 11 papers, and his share of the surplus is therefore—

$$11 \times \frac{1,008}{2,004} \text{ or } 5 \frac{1,668}{2,004}$$

F's sub-parcel contains 28 papers, and his share of the surplus is therefore—

$$28 \times \frac{1,008}{2,004} \text{ or } 14 \frac{168}{2,004}$$

G's sub-parcel contains 1,708 papers, and his share of the surplus is therefore—

$$1,708 \times \frac{1,008}{2,004} \text{ or } 859 \frac{228}{2,004}$$

Total . . . 1,008

The numbers of papers to be transferred as determined by the preceding process contain fractions, and, since, only whole papers can be transferred, so many of the largest of these fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus, as the whole numbers determined above amount to only 1,007, viz. $(129+5+14+859)$, or one short of the surplus, 1,008, the largest fraction $\frac{1,668}{2,004}$ is reckoned as unity, and the numbers of papers to be transferred are as follows:—

To D	:	:	:	:	:	:	:	:	:	:	:	129 papers
To E	:	:	:	:	:	:	:	:	:	:	:	6 papers
To F	:	:	:	:	:	:	:	:	:	:	:	14 papers
To G	:	:	:	:	:	:	:	:	:	:	:	859 papers

Total, being A's surplus . . . 1,008 papers

The particular papers to be transferred to D, E, F and G are those last filed in their respective sub-parcels, and, therefore, at the top of the sub-parcels. The papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

These papers are added in separate sub-parcels to the parcels of D, E, F, and G.

The totals of the votes credited to these candidates then become:—

		Vote
D	:	746 + 129 =
E	:	493 + 6 =
F	:	341 + 14 =
G	:	157 + 859 =

The remainder of the papers in the sub-parcels (i.e., those papers not transferred), together with the papers on which no further available preferences were marked, are collected together and formed into one parcel, representing A's quota of votes (1,001), and these papers are set aside as finally dealt with. The parcel is made up as follows:—

The remainder of D's sub-parcel	:	:	:	:	:	257 less 129 =	128
The remainder of E's sub-parcel	:	:	:	:	:	11 less 6 =	5
The remainder of F's sub-parcel	:	:	:	:	:	28 less 14 =	14
The remainder of G's sub-parcel	:	:	:	:	:	1708 less 859 =	849
Non-transferable papers	:	:	:	:	:		5

Total, being A's quota 1,001

The operations involved in this transfer are summarised in the following table:-

TRANSFER OF A'S SURPLUS

Surplus	Number of transferable papers	Surplus	1,008
Number of transferable papers	Surplus	2,004	1,008
Names of candidates marked as the next available preferences	Number of original papers	Number of papers transferred	Number of paper retained, for A's quota
B	...	...	...
C	...	...	...
D	257	129	128
E	11	6	5
F	48	14	14
G	1,708	859	849
H	...	...	...
I	...	...	...
K	...	...	...
Total number of transferable papers	2,004	1,008	996
Number of non-transferable papers	5	...	5
Total	2,009	1,008	996

The state of the poll on the conclusion of the transfer is as follows:-

	Votes	
A	1,001	elected.
G	1,016	Do.
B	952	
C	939	
D	873	
E	499	
F	355	
H	152	
I	118	
K	93	
Total	6,000	

G now has 1,016 votes, a number which is more than the quota. He is accordingly declared elected.

SECOND TRANSFER

G's surplus (1,016 less 1,001, or 15) would have to be transferred were it not for the provision of the rule by which the returning officer need not transfer a surplus which is less than the difference between the two lowest candidates on the poll, and where, therefore, the transfer could not alter the relative position of these two candidates, even if the whole surplus were transferred to the lowest candidate. In this case the difference between I and K, the two lowest candidates is 25 (118 less 93), and therefore G's surplus need not be transferred.

The returning officer proceeds to distribute the papers of the candidate with the smallest total of votes.

K's parcel of 93 papers is therefore examined. It is found to contain 89 papers on which F is the next preference, and 4 on which C is the next preference.

Therefore 89 papers are transferred to F and 4 to C, being marked so as to indicate the transfer.

The poll now stands as follows:—

	Votes	elected
A	1,001	
G	1,016	D
B	952	
C	943	
D	875	
E	499	
F	444	
H	152	
I	118	
Total	6,000	

THIRD TRANSFER

The poll shows that as a result of the second transfer no further candidate obtained the quota which would entitle him to election, and the next operation has to be determined upon.

The difference between I and H (152 less 118, i.e., 34) exceeds G's surplus (15) which, therefore, is still allowed to remain untransferred.

Candidate I is lowest on the poll, and his papers have to be distributed in the same manner as K's. But as the combined totals of H and I together with G's surplus (152+118+15=285) are less than 444, the total of F, the next highest candidate, the returning officer distributes the papers of both H and I in one operation.

The papers (152+118 or 270 in all) in the parcels of H and I are examined in one operation, and it is found that—

B is marked next preference on	119 papers
D is marked next preference on	107 "
Non-transferable papers	44 "
Total	270 "

It should be stated that on some papers some or one of the candidates, A, G, I, H and K, may have been marked as next in order of preference on the papers examined but as all these candidates are already either elected or excluded, any papers so marked pass to those of the other candidates for whom the next available preferences have been recorded.

The operation is completed by the transfer of 119 papers duly marked to B, and 107 to D, whilst the 44 non-transferable papers are set aside as finally dealt with.

The poll now stands as follows:—

	Votes	elected
A	1,001	
G	1,016	Do.
B	1,071	
D	982	
C	943	
E	499	
F	444	
Non-transferable papers	44	
Total	6,000	

B now has 1,071 votes, a number which exceeds the quota. He is accordingly declared elected.

FOURTH TRANSFER

B's surplus (70) exceeds the difference (55) between E and F, the two candidates lowest on the poll, and it is therefore necessary to distribute it.

For this purpose only the sub-parcel of papers last transferred, containing 119 papers, is taken into account.

These are examined and arranged in sub-parcels (in the same manner as A's papers were examined and arranged), with the following result:—

A next preference is shown for E on 84 papers.

No further preference is shown on 35 papers.

The total number of transferable papers (84) is thus greater than the surplus (70), and the proportion to be transferred is _____. But there is only one candidate, E, entitled to participate in the transfer. E accordingly receives the whole of the surplus, and the 70 papers last filed in E's sub-parcel are, therefore, transferred to him, after being marked so as to indicate their transfer from B to E.

The remainder of the papers in E's sub-parcel, together with the non-transferable papers, are placed with B's original parcel. The whole constitutes B's quota, and these papers are set aside as finally dealt with.

B's quota is made up as follows:—

Original parcel	952
Remainder of B's sub-parcel	14
Non-transferable papers	34
	<hr/>
Total	1,001

The poll now stands as follows:—

	Votes	elected
A	1,001	
G	1,016	Do.
B	1,001	Do.
D	982	
C	943	
E	569	
F	444	
Non-transferable papers	44	
	<hr/>	
Total	6,000	

FIFTH TRANSFER

No candidate is elected as the result of the transfer, and the next operation has to be determined upon.

G's surplus is still not distributable, being smaller than the difference between the totals of E and F, the two lowest candidates.

F is lowest, and his papers have to be distributed.

On examination it is found that of F's 444 papers, 353 show a next preference for C and the remainder, 91, contain no further preference.

The operation is completed by the transfer of 353 papers duly marked to C, whilst the 91 non-transferable papers are set aside as finally dealt with.

The poll now stands as follows:—

	Votes	elected
A	1,001	
G	1,016	Do.
B	1,001	Do.
C	1,296	
D	982	
E	569	
Non-transferable papers	135	
	<hr/>	
Total	6,000	

C has now 1,296 votes, a number which exceeds the quota and he is accordingly declared elected.

No further transfer is necessary, for even if all C's surplus (295) and all G's surplus (15) were transferred to E, his total would only amount to 859.

But D's total (982) exceeds this number, and he is therefore declared elected.

The final result is that A, G, B, C and D are elected.

The details of the various operations in this election are shown in the subjoined form of "result sheet".

Statement as to the result of the poll and the transfer of votes

Number of valid votes	6,000
Number of members to be elected	5
Quota (number of votes sufficient to secure the election of a candidate)	1,001

Names of candidates	Votes	Transfer of A's surplus	Result	Transfer of K's votes	Result	Transfer of H's and I's votes	Result	Transfer of B's surplus	Result	Transfer of F's votes	Final result showing the names of candidates elected and the order of their election
A . .	2,009	-1,008	1,001	...	1,001	...	1,001	...	1,001	...	1,001 (Elected) A(1)
B . .	952	...	952	...	952	+119	1,071	-70	1,001	...	1,001 (Elected) B(3)
C . .	939	...	939	+4	943	...	943	...	943	+353	1,296 (Elected) C(4)
D . .	746	+129	875	...	875	+107	982	...	982	...	982 (Elected) D(5)
E . .	493	+6	499	...	499	...	499	+70	569	...	569
F . .	341	+14	355	+89	444	...	444	...	444	-444	.....
G . .	157	+859	1,016	...	1,016	...	1,016	...	1,016	...	1,016 (Elected) G(2)
H . .	152	...	152	...	152	-152	...	...	...	...	.....
I . .	118	...	128	...	118	-118	...	...	...	...	.....
K . .	93	...	93	-93	...	...	...	...	...	...	.....
Non-transferrable papers not transferred	...	...	...	...	...	+44	44	...	44	+91	135
Total	6,000	...	6,000	...	6,000	...	6,000	...	6,000	...	6,000 *

SCHEDULE IV

[Rule 112(2)]

RETURN OF ELECTION EXPENSES

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or in relation to, the election, and the amount received from each person, club, society, or association separately.
2. Under the head of expenditure there shall be shown—
 - (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;
 - (b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;
 - (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;
 - (d) the travelling expenses of persons, whether in receipt of salary or not, incurred, in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the persons so travelling;
 - (e) the cost whether paid or incurred of—
 - (i) printing,
 - (ii) advertising,
 - (iii) stationery,
 - (iv) postage,
 - (v) telegrams, and
 - (vi) any room hired either for a public meeting or as an office,
 - (f) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other person or remaining unpaid on the date of the return are to be set off.

(2) For all items of Rs. 5 and over, unless from the nature of the case (e.g., travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of the declarations referred to in sub-section (2) of section 76 of the Act shall be as follows:—

Form of Declaration by Election Agent

I, being the appointed election agent for a candidate for election in the constituency of the House of the People/..... Legislative Assembly/..... Legislative Council/..... Electoral College/by the elected members/ members of Legislative Assembly/members of Electoral College to fill a seat (seats) in the Council of States/the Legislative Council, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of 's candidature.

Election Agent.

Date.....

Solemnly affirmed before me by who is personally known to me [or who has been identified to my satisfaction by

Name.....

Address.....]

(Signature and full designation of Magistrate)

Date.....

Seal of the Magistrate.

Form of Declaration by Candidate

I, being a candidate for election in the constituency of the House of the People/.....Legislative Assembly/.....Legislative Council/.....Electoral College/by the elected members/member ofLegislative Assembly/members of.....Electoral College to fill a seat (seats) in the Council of States/theLegislative Council, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purpose of, my candidature.

Date.....

Candidate.

Solemnly affirmed before me by who is personally known to me [or who has been identified to my satisfaction by

Name.....

Address.....]

(Signature and full designation of Magistrate)

Date.....

Seal of the Magistrate.

4. The special form of declaration to be made under sub-section (3) of section 76 of the Act by a candidate who owing to absence from India was unable to sign the return of election expenses and to make the required declaration shall be as follows:—

Special Form of Declaration by a Candidate under sub-section (3) of section 76 of the Act.

I, being a candidate for election in the constituency of the House of the People/.....Legislative Assembly/.....Legislative Council/.....Electoral College/by the elected members/members ofLegislative Assembly/members of.....Electoral College to fill a seat (seats) in the Council of States/theLegislative Council, do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief, and that (with the exceptions noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge or belief been incurred in, or for the purpose of, my candidature.

Particulars of Exceptions.

(Sd.).....

Date.....

Candidate.

Solemnly affirmed before me by who is personally known to me [or who has been identified to my satisfaction by

Name.....

Address.....]

(Signature and full designation of Magistrate)

Date.....

Seal of the Magistrate.

SCHEDULE V

(Rule 117)

Maximum amount of Election expenses

Name of State	Parliamentary Constituencies			Assembly Constituencies				Council of States Constituencies.	
	Single Member Constituency	Two Member Constituency	Three Member Constituency	Single Member Constituency	Two Member Constituency	Three Member Constituency			
1	2	3	4	5	6	7	8	9	
PART A STATES									
Assam	25,000	35,000	..	5,000	10,000	..	..	..	..
Bihar	25,000	35,000	..	8,000	12,000	..	..	3,000	..
Bombay	25,000	35,000	..	7,000	12,000	16,000	..	..	3,000
Madhya Pradesh	25,000	35,000	..	6,000	12,000	..	..	..	..
Madras	25,000	35,000	..	8,000	12,000	..	..	3,000	..
Orissa	25,000	35,000	..	7,000	12,000	..	..	..	..
Punjab	25,000	35,000	..	7,000	12,000	..	..	3,000	..
Uttar Pradesh	25,000	35,000	..	8,000	12,000	..	..	3,000	..
West Bengal	25,000	35,000	0,000	7,000	12,000	..	..	3,000	..
PART B STATES									
Hyderabad	25,000	35,000	..	6,000	12,000	..	..	..	..
Madhya Bharat	25,000	35,000	..	5,000	10,000	..	..	..	..
Mysore	25,000	35,000	..	5,000	10,000	..	..	3,000	..
Patiala and East Punjab States Union	25,000	35,000	..	4,000	8,000	..	..	..	..
Rajasthan	25,000	35,000	..	6,000	12,000	..	..	..	..
Saurashtra	25,000	35,000	..	4,000	8,000	..	..	..	..
Travancore-Cochin	25,000	35,000	..	5,000	10,000	..	..	..	..
PART C STATES									
Ajmer	11,000	..	..	2,000	4,000	..	..	..	..
Bhopal	25,000	..	..	2,000	4,000	..	..	..	..
Bilaspur	5,000	..	..	..	..	..	..	..	..
Coorg	7,000	..	..	1,000	2,000	..	..	..	..
Delhi	12,000	20,000	..	2,000	4,000	..	..	..	..
Himachal Pradesh	11,000	20,000	..	2,000	4,000	..	..	..	..
Kutch	10,000	..	..	..	..	..	..	2,000	..
Manipur	10,000	..	..	..	..	..	..	2,000	..
Tripura	10,000	..	..	..	..	..	..	2,000	..
Vindhya Pradesh	25,000	35,000	..	4,000	8,000	..	..	..	..

SCHEDULE VI

(Rule 118)

Persons who may be employed for payment by candidates or their election agents in connection with elections.

At all elections—

- (1) one election agent,
- (2) one counting agent, and
- (3) one clerk and one messenger:

Provided that in the case of an election in a Parliamentary constituency or an Assembly constituency or a Council of States constituency the number of clerks and messengers who may be employed for payment shall be one clerk and one messenger for every seventyfive thousand electors on the electoral roll of the constituency or portion thereof.

At elections in which the method of voting by ballot boxes is followed the following persons may be employed for payment in connection with each such election in addition to the persons specified in (1), (2) and (3) above, namely:—

- (a) one polling agent and two relief agents for each polling station or where a polling station has more than one polling booth, for each polling booth or for the place fixed under sub-section (1) of section 29 for the poll and;
- (b) one messenger at each polling station or where a polling station has more than one polling booth, at each such polling booth, or at the place fixed under sub-section (1) of section 29 for the poll.

[No. F.134/51-C.]

S. N. MUKERJEE,
Joint Secretary.